

RECEIVED

March 29, 2006

APR 06 2006

TO WHOM IT MAY CONCERN:

City of Santa Clara

I am a concerned citizen that lives near the property owned by the State of California known as BAREC. I do not want the State to develop that property as currently planned. I want the property to remain zoned for agricultural use only, and more particularly, the soil there should not be remediated or excavated as planned by the State, because it will disturb the toxic chemicals found in the soil there, and create a serious health risk.

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I have also learned that volatilization (evaporation) of dieldrin is the principle route of loss from contaminated soil, that is, if such soil is left undisturbed. The volatilization process is slow, but it is safe so long as the soil remains undisturbed. However, once dieldrin in soil is disturbed and becomes airborne, I understand it can travel great distances. The State's current remediation plan includes excavation and removal of the soil. If the State's plan is allowed, the dieldrin will immediately become airborne in the soil dust during excavation.

I have been told that studies in the Northwest Territories of Canada have found mean concentrations of 0.75 nanograms per liter in Arctic snow. (A nanogram is one - billionth of a gram.) Yet, there were no known nearby sources of dieldrin found. It is believed that the dieldrin reached the Arctic attached to contaminated airborne soil dust particles from thousands of miles away. I have also been told that our own U.S. EPA finds dieldrin so dangerous that it limits the amount of dieldrin that may be present in drinking water to 0.001 and 0.002 milligrams per liter of water for protection against health effects. A milligram is one-thousandth of a gram. A gram is about 1/40 of an ounce. Working that out, -- the EPA is so afraid of dieldrin contamination, that it doesn't even want enough of it that might be able to moisten the head of a pin to be in a liter of water. Yet, the State thinks it is okay to put the dieldrin found at BAREC airborne, right in the middle of a residential area. A chemical that can be found in concentrations of 0.75 nanograms per liter, 1000's of miles away from its source.

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Sincerely,

Name:

Fanny Abic

Address:

2676 NEWAIRC ST #21

City, State, Zip:

SANTA CLARA 95070

50-1

LETTER 50

E. Libre
March 29, 2006

50-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

April 13, 2006

CITY OF SANTA CLARA/TO WHOM IT MAY CONCERN:

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Name:

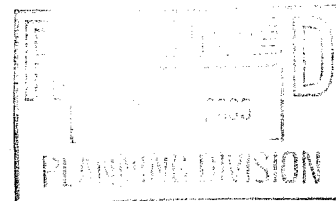
Lucille Andueza

Address:

599 N. Henry Ave

City, State, Zip:

San Jose, CA 95117



51-1

LETTER 51

Lucille Andueza
March 29, 2006

51-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

March 29, 2006

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Name:

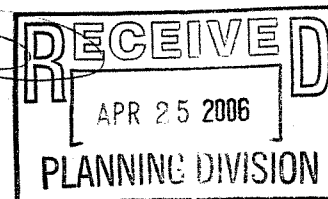
Sheeva Sabath

Address:

540 Camino Dr.

City, State, Zip:

Santa Clara, CA 95050



52-1

LETTER 52

Sheeva Sabati
March 29, 2006

52-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

March 29, 2006

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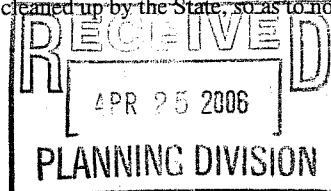
Cathy Paz

Address:

846 Main St. Apt 1

City, State, Zip:

Santa Clara, Ca 95058



53-1

LETTER 53

Cathy Paz
March 29, 2006

53-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

March 29, 2006

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Sincerely,

Name: Palma L. Christensen
Address: 2534 Forest Ave
City, State, Zip: San Jose Ca 95117

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APR 05 2006

City of Santa Clara
Planning Division

54-1

LETTER 54

Palma L. Christenson

March 29, 2006

54-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

March 29, 2006

Gloria Sciara / City of Santa Clara, Planning
Project Mgr. 1500 Civic Center Drive, Division
Santa Clara, CA 95050

TO WHOM IT MAY CONCERN:

4 years with a child
I am a concerned citizen that lives near the property owned by the State of California known as BAREC, and I do not want the State to develop that property as currently planned. I want the property to remain zoned for agricultural use only, and more particularly, the soil there should not be remediated or excavated as planned by the State, because it will disturb the toxic chemicals found in the soil there, and create a serious health risk. **RECEIVED**

NO DO NOT TOUCH IT!!
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Sincerely,

Name: Janet M. Petty
Address: 707 Jill Ave.
City, State, Zip: San Jose, CA 95117

RECEIVED

APR 05 2006

City of Santa Clara
Planning Division

LETTER 55

Janet Petty
April 5, 2006

55-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

April 22, 2006

CITY OF SANTA CLARA/TO WHOM IT MAY CONCERN:

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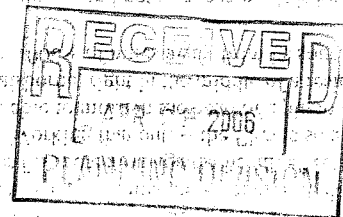
Nelen Chapman

Address:

1556 Hester Av

City, State, Zip:

San Jose CA 95126



56-1

LETTER 56

Helen Chapman
April 22, 2006

56-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

From: Becky McIntyre <beckydmc@yahoo.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/24/06 12:53PM
Subject: BAREC

April 24, 2006

CITY OF SANTA CLARA TO WHOM IT MAY CONCERN:

I am a concerned citizen, a life-long Bay Area resident, who lives near the property owned by the State of California known as BAREC, and I do not want the State to develop that property as currently planned. I want the property to remain zoned for agricultural use only, and more particularly, the soil there should not be remediated or excavated as planned by the State, because it will disturb the toxic chemicals found in the soil there, and create a serious health risk.

I have reviewed the State's EIR and Remediation Action Work plans for BAREC, and I am particularly concerned that they have discovered the chemical known as dieldrin in the soil there. I have learned that dieldrin is a very dangerous chemical and in fact was found to be so dangerous that it was completely banned by the EPA. Because of concerns about damage to the environment and potentially to human health, the EPA banned all uses of dieldrin in 1974, except to control termites. In 1987, after finding that it was even too unsafe for that, the EPA banned it completely.

I have also learned that volatilization (evaporation) of dieldrin is the principle route of loss from contaminated soil, that is, if such soil is left undisturbed. The volatilization process is slow, but it is safe so long as the soil remains undisturbed. However, once dieldrin in soil is disturbed and becomes airborne, I understand it can travel great distances. The State's current remediation plan includes excavation and removal of the soil. If the State's plan is allowed, the dieldrin will immediately become airborne in the soil dust during excavation.

I have been told that studies in the Northwest Territories of Canada have found mean concentrations of 0.75 nanograms per liter in Arctic snow. (A nanogram is one - billionth of a gram.) Yet, there were no known nearby sources of dieldrin found. It is believed that the dieldrin reached the Arctic attached to contaminated airborne soil dust particles from thousands of miles away. I have also been told that our own U.S. EPA finds dieldrin so dangerous that it limits the amount of dieldrin that may be present in drinking water to 0.001 and 0.002 milligrams per liter of water for protection against health effects. A milligram is one-thousandth of a gram. A gram is about 1/40 of an ounce. Working that out, -- the EPA

57-1

is so afraid of dieldrin contamination, that it doesn't even want enough of it that might be able to moisten the head of a pin to be in a liter of water. Yet, the State thinks it is okay to put the dieldrin found at BAREC airborne, right in the middle of a residential area. A chemical that can be found in concentrations of 0.75 nanograms per liter, 1000's of miles away from its source.

I have further learned that dieldrin binds tightly to soil. It breaks down very slowly and not very easily. It is known to be an extremely persistent organic pollutant. It tends to accumulate as it is passed along the food chain. It has been proven to be toxic to a very wide range of animals, including humans. Dieldrin is stored in our fat cells and leaves the body very slowly. The Food and Agricultural Organization of the United Nations has found that Dieldrin is probably five times as toxic as DDT when swallowed, and 40 times as toxic even when absorbed through the skin. I never want to find out if it is that toxic through airborne exposure. However, I have learned there is a safer way to clean it all up and it will keep this property agriculturally zoned. We do not need to disturb the soil as planned by the State. Plants can take in and store dieldrin from the soil. This method of clean up is called phytoremediation and it is the safest method for a residential area. Also, phytoremediation has been found to have a 20 to 80 percent cost savings over the States proposed methods. I therefore for the reasons stated above request that you immediately stop any commercial development on the BAREC property, particularly anything that is not in line with keeping this property agriculturally zoned. I also ask that you immediately take all necessary steps to ensure that the State take no steps to implement its current remediation plan, and instead require a phytoremediation plan be immediately put in place for BAREC. I also want you to ensure that all contaminants, including dieldrin on the BAREC property will be safely cleaned up by the State, so as to not put me, my family, my friends and neighbors at any further risk.

Sincerely,

Becky McIntyre
2246 Walnut Grove Avenue
San Jose, CA 95128

Becky McIntyre

57-1
Cont'd

LETTER 57

Becky McIntyre
April 24, 2006

57-1 This comment letter repeats the content of comment letter 35. Please refer to responses to comments 35-1 through 35-6.

RE: Comments to Draft BAREC (Santa Clara Gardens) Environmental Impact Report (April 6, 2006)
To: Santa Clara City Historical and Landmarks Commission

Given that the comments for the Draft BAREC Environmental Impact Report are due in about three weeks and given that BAREC is one of the most important historical pieces of land to the City and County of Santa Clara and to the entire Central Coast of California, we are hoping there will be much discussion and review on the history portion of the EIR. Following are some of the points I hope will be covered at your Commission meetings:

1. Santa Clara is a "Certified Local Government" and as such they are required to have research on their historical land and buildings. When the City Council voted to place housing on BAREC in February 2003 the city had no historical records for BAREC and your commission appeared to know very little to nothing about it. Several years ago Mary Hanel, the historian at Santa Clara's main library on Homestead, told me they had very little information on BAREC's history. She said there was great public interest in BAREC. Consequently, Save BAREC sponsored a BAREC historical talk at the library and gave Ms. Hanel our BAREC historical documents.
 2. The State prepared two historical EIR Reports. The first one was completed in October 2002 before the community meetings, before the city council and the historical discussed it, and before the State officially owned the property. It was prepared by Ward Hill, a San Francisco Architectural Historian for David Powers and Associates (DPA). I am giving you a copy of this report that has never been distributed. DPA writes most of the major EIRs in the Santa Clara Valley. The State fired DPA and hired EDAAW who then did a second historical documentation for the current EIR. It appears to be written to refute the BAREC history Sharon McCray has been collecting for the California History Center. It appears that its main purpose is to say that BAREC should not be placed on the national historical registry. We disagree with the EIR's historical facts and need time to refute them. We hope to place BAREC on the National Historical Registry.
 3. There is only one California Extension Center that is on the national historical registry. It is the Shafter Research and Extension Center (SREC) and its primary purpose is to do cotton research. It is in Bakersfield and has far less history than BAREC. To find more about this extension center go to: http://danrrec.ucdavis.edu/shafter/research_1.html.
 4. We are giving you The Californian issue on BAREC's history (August, 2005). The California History Center Foundation at DeAnza College publishes The Californian. The California History Center thinks BAREC is so important to the Valley's history that they plan to do a book on it.
 5. At a meeting of your Commission in 2003 when Lilyann Brannon and I first presented some of the BAREC history to you, the City's historian, Lori Garcia stated publicly: "BAREC is so important to the City and region that it should be placed on the National Historical Registry." This was the first time many members of your commission had heard about BAREC and its history.
 6. There are two historical buildings of importance on BAREC: a 1900s shop and a 1920s office building. There are also three greenhouses donated by the California Floriculture Society and built in the mid 20th Century. According to the current Draft EIR the City and State plans to demolish these buildings and leave no record of BAREC's history.
 7. The Draft EIR open space alternative is not accurate and is untrue. It appears they never contacted us about our open space plans or any open space organization. Therefore, we are attaching a copy of the housing plans the City and State have planned and Save BAREC's plans to keep BAREC zoned agriculturally for environmental education and teaching citizens and especially children about healthy food and nature. The University of California at Santa Cruz Agroecology and Sustainable Food Systems and Life Labs programs have offered to help Santa Clara create a similar center as theirs but only will come to Santa Clara Valley on BAREC land.
 8. We hope you will be careful and thoughtful as you study the historical recommendations made in the BAREC EIR. If you do not have enough time to consider them, you have the right to ask for an extension on the EIR comment date of April 24th at 5 p.m. We are finding it very difficult to correct the mistakes in the EIR history given the short time they have allocated and it was not easily available when it first came out. It is your right to vote not to accept the historical recommendations made in the EIR just as the Planning Commission voted unanimously to keep BAREC in 12 to 17 acres of open space.
- Sincerely yours, Kathryn Mathewson, Save BAREC, Kathryn@savebarec.org, 408-292-9595

58-1

58-2

58-3

58-4

58-5

58-6

58-7

58-8

LETTER 58

Kathryn Mathewson

April 6, 2006

- 58-1** The commenter states that City of Santa Clara as a Certified Local Government is required to do research on its historical land and buildings, but that it had no historical records when it voted to develop the site. For clarification, the City has not voted to approve the project as of the date of this report. The City must complete the CEQA process prior to considering an action on the Proposed Project. The project's cultural resource impacts were evaluated consistent with the requirements of CEQA in Section 4.11, "Cultural Resources," of the DEIR. As described therein, the DEIR concluded that the Project Site and its features are not eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP) and that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Please refer to Master Response 5, Section 3.5.2, "CRHR and NRHP Eligibility Determination" and response to comment 11-8.
- 58-2** The commenter provides a copy of the Ward Hill report for the BAREC property and states that it appears the EIR was written to refute the history provided by Sharon McCray. The commenter further states that she disagrees with EIR's facts and hope that the site will be placed on the National Historical Registry (National Register of Historic Places). The conclusions of the DEIR were based on substantial evidence collected and reviewed in preparation of the DEIR, including the Ward Hill report. The DEIR presents objective, factual data regarding the operations that have occurred at the Project Site. Please refer to response to comment 58-1 and Master Response 5, Section 3.5.2, "CRHR and NRHP Eligibility Determination".
- 58-3** The commenter states that that only one California Extension Center, located in Bakersfield, is on the National Registry, and provides a web link for more information on that center. Regarding the significance of the Shafter Research and Extension Center please refer to Master Response 5, Section 3.5.2, "CRHR and NRHP Eligibility Determination".
- 58-4** The commenter states that they will provide the City a copy of 'The Californian,' August 2005, which contains an article about the Project Site. A copy of this article was included in Appendix A (NOP Comments) of the DEIR and was considered in preparation of the DEIR.
- 58-5** The commenter states that Lori Garcia, a City historian, made a comment at a 2003 Commission meeting that the BAREC site should be placed on the National Historical Registry, because it is important to the City and region. Please refer to response to comment 58-1 and Master Response 5.
- 58-6** The commenter states that, according to the EIR, the City and State plan to demolish buildings on-site and leave no record of the site's history. The project's impacts to historic resources are evaluated in conformance with Section 15064.5 of the State CEQA Guidelines and the results of this analysis are presented in Section 4.11, "Cultural Resources," of the

DEIR. The conclusion of the DEIR, based on its substantial evidence, is that neither the Project Site nor its features would qualify as a historical resource under Section 15064.5 of the State CEQA Guidelines, nor be eligible for listing as a California Historical Landmark or Point of Historical Interest, because it does not meet California Register of Historical Resources criteria. The eligibility criteria are described in Section 4.11, "Cultural Resources," of the DEIR. As a result, the project would not disturb or destroy any known significant cultural resources. This would be a less-than-significant impact and no mitigation would be required under the requirements of CEQA. Please also refer to response to comment 68-2.

58-7 The commenter states that the open space alternative is inaccurate and untrue and offers Save BAREC's plans for the site to the City. The commenter offers no evidence to substantiate that the analysis of the open space alternative is inaccurate; therefore, no response can be provided.

58-8 The commenter requests that the Santa Clara City Historical and Landmarks Commission be careful and thoughtful in its study of the historical recommendations made in the DEIR. Because no specific issues pertaining to the analysis are identified, no response can be provided.

From: "Kathryn Mathewson" <kmathewson@secretgardens.com>
To: <historical&landmarkscommission@ci.santa-clara.ca.us>
Date: 4/10/06 1:50AM
Subject: BAREC Info for Commissioners and Agenda

Hello Gloria and Planning Staff:

It looks like this information did not get to you on Friday as I did not have the correct email. The one pager was given to each Commissioner and the Report I promised them when I spoke. Please make sure they get electronic copies of these. Art Hernandez was very happy to hear about the direction the Historical Commission took with regards to BAREC and of course so was I!

With gratitude,
Kathryn Mathewson
408-292-9595
kmathewson@secretgardens.com

-----Original Message-----

From: Kathryn Mathewson [mailto:kmathewson@secretgardens.com]
Sent: Friday, April 07, 2006 10:02 AM
To: HistoricalandLandmarks@ci.santa-clara.ca.us
Cc: Kirk Vartan; Jackie Moore
Subject: BAREC Info for Commissioners and Agenda

Hello:

Thank you for organizing the historical commission meeting so the seniors could hear last night. This is especially important because of the possible senior housing plans on BAREC. Seniors need to know the details of what senior housing will replace.

I handed out one page of comments at the meeting last night which I hope all the commissioners received. I am attaching a copy for the agenda and also in case the commissioners did not receive it.

Also, I spoke about the first EIR Historical Report by Architectural Historian Ward Hill who consulted with the first BAREC EIR writer, David Powers and Associates. It is dated October 2002. It was mentioned in the Draft EIR but has never been circulated. Because it is very different than the one in the current EIR, I think it is important that the commissioners have a copy so they can see the slant taken with the final version of the historical portion of the current Draft EIR. I had only one copy which I gave to Commissioner Leigh Booker. Please make sure it gets into the hands of all the commissioners. I have attached it for this purpose.

Kathryn Mathewson
408-292-9595
kmathewson@secretgardens.com

CC: <GSciara@ci.santa-clara.ca.us>

59-1

LETTER 59

Kathryn Mathewson

April 7, 2006

59-1

The commenter states that the cultural survey conducted by Ward Hill in 2002 was not circulated. A copy of the report was circulated as Appendix L of the DEIR. See attachments to comment letter 63.

From: Kim Fettahlioglu
To: R, J
Date: 4/7/06 9:16AM
Subject: Re: Please Save the BAREC/UC Agricultural Land from Housing Development

Thank you for your comments and concerns. Your message has been received in the Mayor and Council offices and will be distributed appropriately.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> "J R" <jenlrob@hotmail.com> 04/06/06 4:46 PM >>>
Dear Mayor Patricia Mahan and City Council members,

I would like to take this opportunity to express my concerns over the proposed development of the 17-acre historical BAREC/UC Agricultural land property in the City of Santa Clara. In my opinion, this is the last treasure of Santa Clara County's agricultural roots and I urge you to please, please let it remain in its present condition. I was born and raised in Santa Clara County and am employed in the real estate sector. While I understand the need for housing, I have watched with dismay countless numbers of pristine and beautiful pieces of vacant land developed throughout this valley. In learning of the potential development of this piece of Santa Clara Valley history, I felt compelled to act to try to save this treasure. I beg you, for the good of this community and future generations who may never see open spaces in this valley, please vote to preserve this beautiful property as agricultural land and not allow a zoning change enabling its development.

Thank you for your support,
Jennifer Roberts

CC: Yvonne Galletta

60-1

LETTER 60

Jennifer Roberts

April 7, 2006

60-1

The commenter urges the City to keep the site in its current condition. The DEIR evaluates an alternative that contemplates keeping the Project Site as open space (see Section 7.1, “No Project Alternative – Continuation of Existing Conditions”). As described in Section 7.8, “Environmentally Superior Alternative,” of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City’s housing shortfall.

From: Kim Fettahlioglu
To: Hickey, Tim
Date: 4/7/06 9:22AM
Subject: Re: Plea for preservation of open space at Bay Area Research and Extension Center site

Thank you for your comments and concerns. Your message has been received in the Mayor and Council Offices and will be distributed appropriately.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> Tim Hickey <thickey@yahoo.com> 04/06/06 11:23 PM >>>
Dear honorable commissioners and council members,

I have been a resident of Santa Clara for four years and am coming to realize and appreciate all that the Mission City offers to its residents. We have well maintained parks, a wonderful senior center, and a strong commitment to affordable housing. Unfortunately, you as commissioners have a dilemma of whether to preserve part of our agricultural heritage and create a wonderful new park in a recreationally underserved area or providing housing in a housing market that currently experiencing a shortage. I firmly believe that we do and will need housing for our growing population of senior citizens but that this area is a poor location due to the already over trafficked roads and businesses. There will be better locations for more of the high-density housing that this city so badly needs when the Kiely Blvd. Kaiser building is demolished, and it will have greater access for its seniors to a beautiful park across the street and Kaiser Hospital down the road.

61-1

Please vote to preserve the historical integrity of the Bay Area Research and Extension Center and create a park with a monument to our wonderful agricultural history.

Thank you,

Tim Hickey

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls. Great rates starting at 1¢/min.

CC: Yvonne Galletta

LETTER 61

Tim Hickey
April 7, 2006

61-1 The commenter states that that the Project Site is not the appropriate location for senior housing and that the site should be preserved as a park. The DEIR evaluates an alternative that contemplates keeping the Project Site as open space (see Section 7.1, “No Project Alternative – Continuation of Existing Conditions”). As described in Section 7.8, “Environmentally Superior Alternative,” of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City’s housing shortfall.

From: Gloria Sciara
To: MchGhez@aol.com
Date: 4/10/06 8:23AM
Subject: Re: BAREC concerns

Dear Mr. Ghezzi

Thank you for your comments. As they were received during the DEIR comment period, we will forward your comments to the environmental consultant and will be part of the public record.

Regards,

Gloria Sciara, AICP
Interim Manager of Development Review
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2462
(408) 247-9857 (FAX)

>>> <MchGhez@aol.com> 04/09/06 8:01 PM >>>
Dear Gloria,

I am writing this letter to address my concerns about the BAREC land usage. As a concerned citizen of the wonderful City of Santa Clara, I want more for my city. City officials think that by using 17 acres of land to put elderly housing, single family residences, and a park is going to make quality of life in the City of Santa Clara any better is absolutely absurd. This is a prime opportunity to do something great to an already wonderful city. Housing and more housing is not going to make a difference in the recognition of our city as a better place to live, raise a family, and educate our children. As you well know, there is a very small amount of open space in our great city. Instead of trying to use every piece of land for a profit, we need to do something different than what is expected and take advantage of these 17 acres. More housing does not do this. We did not become an All-American City by just having housing and more housing. We became a All-American beautiful city by having diversity in our land. This is what makes cities prosper and grow in a much more positive way.

So many people think "hey its only 17 acres of land" but 17 acres is enough to make a difference in peoples' lives. By taking that one small step in preventing high density living, over-population and most importantly air pollution, we have the opportunity to nourish our body, mind and soul. After all, the air pollution is the silent killer that we all forget about. By creating high density living, we are creating more pollution and we all know that with more pollution, the risk of cancer and other auto-immune diseases increase. This is something to think about: increased air pollution=death! I can say this because less than two years ago, I, a 35 year old male, was diagnosed with stage III Melanoma. One of the contributing factors of melanoma is air pollution. Please don't create more pollution by having more high density living because you are silently killing me and my 5 other neighbors that currently have cancer. I have never written a letter to complain about my city before, but this issue I feel extremely strongly about and felt it my duty to express my concerns. I am a supporter of BAREC, and of a partnership between The Great State of California, The Wonderful City of Santa Clara, and The

62-1

Santa Clara Unified School District. Let's create something out of the norm and out of the box. Bring recognition to our city by sharing in the benefits of a community farm! It's a once in a lifetime opportunity!

Sincerely Mike Ghezzi
491 Luther Dr.
Santa Clara, Ca 95051
408 984-7105

62-1
Cont'd

LETTER 62

Mike Ghezzi
April 10, 2006

62-1 The commenter expresses opposition to development of additional housing within the City of Santa Clara. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Kathryn Mathewson" <kmathewson@secretgardens.com>
To: <historical&landmarkscommission@ci.santa-clara.ca.us>
Date: 4/10/06 1:50AM
Subject: BAREC Info for Commissioners and Agenda

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63-1

With gratitude,
Kathryn Mathewson
408-292-9595
kmathewson@secretgardens.com

-----Original Message-----

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Kathryn Mathewson
408-292-9595
kmathewson@secretgardens.com

CC: <GSciara@ci.santa-clara.ca.us>

HISTORIC EVALUATION REPORT

**BAY AREA RESEARCH & EXTENSION CENTER
Office of Veterans Affairs**

68 & 90 NORTH WINCHESTER BOULEVARD

CITY OF SANTA CLARA, SANTA CLARA COUNTY, CALIFORNIA

FOR

DAVID J. POWERS & ASSOCIATES

1885 The Alameda, Suite 204
San Jose, CA 95126

ATTN: Ms. Shannon George

BY

WARD HILL

CONSULTING ARCHITECTURAL HISTORIAN

3124 Octavia Street
San Francisco, CA 94123

October, 2002

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Attachments

DPR 523 Forms

Primary Record & Building, Structure & Object Record
90 North Winchester Boulevard
68 North Winchester Boulevard

I. INTRODUCTION

The project proposes residential rezoning of an 18 acre parcel owned by the State of California. The current uses of the property are the 17.5 acre Bay Area Research and Extension Center (BAREC) property, an agricultural research station of the University of California, at 90 North Winchester Boulevard, and a Department of Veteran's Affairs office building at Winchester Boulevard. The historic name of the BAREC property is the University of California Deciduous Fruit Field Station.

Mr. Ward Hill¹, consulting Architectural Historian, conducted a detailed survey of the buildings on the project site October 7, 2002. The survey identified nine buildings on the project site. The buildings on the project site include a lab/office building, shop, greenhouses and related structures on the BAREC property. The Office of Veterans Affairs building is modern building dating from 1959. During the survey, Mr. Hill physically examined and photographed the exterior and interior of the BAREC buildings in order to prepare written descriptions, noting exterior and interior alterations.

Mr. Hill conducted archival research conducted during October, 2002. The research concentrated on the history of the BAREC operation and the University of California Agricultural Extension. Research was also conducted on the history of the City of Santa Clara for the historic context statement. Archival research was conducted in local repositories of historical records, including the the Biosciences Library and the Bancroft Library, University of California, Berkeley; Local History files and the Santa Clara County Historical and Genealogical Society collection, Santa Clara City Library; the California Room at the Martin Luther King, Jr. Public Library, San Jose, the archives of San Jose Historical Museum, San Jose, in addition to local historical materials available in Mr. Hill's personal collection of historical materials. Fred Perry and Luzanne Martin with the University of California Research and Extension Centers Administration Office, Davis, California provided valuable background on the history of BAREC property from their files. Mr. Hill also interviewed Edwin Amstutz, brother of Alfred Amstutz, ex-superintendent of the BAREC operation and Ann Schuering, a noted expert and writer on the history of California agriculture.

The buildings on the project site have not been previously evaluated under any local, state or federal historic designation criteria. The following historic evaluation was conducted as per the requirements of the California Environmental Quality Act (CEQA). For purposes of CEQA compliance, an historic resource is a resource listed in, or determined eligible for listing in, the California Register of Historical Resources. None of the buildings on the project site appear to be eligible for the California Register of Historical Resources. Consequently, the proposed project will not have a significant effect on historic resources.

¹Mr. Hill (M.A. Architectural History, University of Virginia, 1983) has worked as an architectural historian and in the historic preservation field for 18 years. He has completed numerous reports evaluating historic buildings under both CEQA and Section 106 of the National Historic Preservation Act.

II. HISTORICAL BACKGROUND

General Background

The Spanish and Mexican Period

Father Junipero Serra founded the original Mission Santa Clara de Asis on the banks of the Gaudelupe River in January, 1777. The present location is near the Central Expressway and De La Cruz Boulevard in Santa Clara. The *Pueblo de San Jose de Guadalupe* was established in November 1777 as the first civic settlement in Alta California. The mission was the eighth of the 21 missions founded during the Spanish Period. A flood in 1779 destroyed the first mission. The padre moved the mission to what is today the University of Santa Clara campus. An earthquake in 1818 destroyed the second mission. The third mission church was built in 1822 on its current site on the University of Santa Clara campus. This mission was partially rebuilt after the earthquake in 1868. Destroyed by fire in 1926, the third mission was replaced with the reconstruction extant today.

The Mexican revolt against Spain (1822) followed by the secularization of the missions (1834) changed land ownership patterns in the Santa Clara Valley. Mission Santa Clara was secularized in 1836. Only 300 Indians lived at the mission by 1839. The Spanish philosophy of government was directed at the founding of presidios, missions, and secular towns with the land held by the Crown, whereas the later Mexican policy stressed individual ownership of the land (Findlay 1980:6). During the Mexican Period, vast tracts of land were granted to individuals, including former Mission lands which had reverted to public domain. In the Santa Clara Valley, 17 parcels were granted from Pueblo Lands, and 13 from the lands of Mission Santa Clara. In 1844, James Forbes received a grant for *El Potrero de Santa Clara*, the mission land bounded by the Guadalupe River and The Alameda. The general trend for granting these lands was to give away the land farthest from the Pueblo and Mission first. Each grant also usually contained both valley and uplands acreage as well as access to a water supply (Broek 1932:44-45).

The waterfront of the *Embarcadero de Santa Clara* (later Alviso), originally developed to allow the early Spanish settlements water access, functioned as one of the foremost points of access for the trade that coursed up and down the Guadalupe River. Native Americans were employed in the trade and often manned large boats to reach ships at anchor to exchange hides and tallow, lumber, quicksilver and agricultural products for imported trade goods. Hides and tallow, and later ore from the New Almaden Mines were loaded on rafts or other flat boats and shipped down the Guadalupe.

American Period

In 1848, California became a United States territory as a result of the Treaty of Guadalupe Hidalgo ending the war with Mexico. California was not formally admitted as a state until 1850. After California was admitted as a state, Santa Clara County was one of the original 27 counties

created by the California legislature. 1848 was also the year of the Gold Rush that brought a massive influx of immigrants to California from all parts of the world. California's 1848 population of less than 14,000 (exclusive of Indians) increased to 224,000 in four years. With the beginning of the American period, the population explosion resulting from the Gold Rush created a market for a wide range of agricultural products. As more and more gold seekers became discouraged with mining, they turned to farming as a livelihood. Farmers started to raise crops and livestock for sale, not just to be self-sufficient.

The population of the Santa Clara Valley expanded as a result of the Gold Rush (1848), followed later by the construction of the railroad to San Francisco (1864) and the completion of the transcontinental railroad in 1869. Throughout the late nineteenth century in the Santa Clara Valley, rancho, Pueblo, and mission lands were subdivided as the result of population growth, the Anglo-American takeover, and the confirmation of property titles. Prior to the legal resolution of titles, the transfer of real estate was extremely risky. Large cattle ranches were converted to farming varied crops, and this agricultural land-use pattern continued throughout the American Period.

Upon the transfer of California government from Mexico to the United States in 1848, American settlers in Santa Clara promoted a survey of the town on the land adjoining the mission in the typical American grid pattern. Pioneer William Campbell parceled the land into lots of 100 square yards in 1850. The grant of a lot came on the condition that a house would be built in the next three months. The area included the original grid about 2 miles long and 1.5 miles wide. The town of Santa Clara was incorporated in July, 1852. The California legislature increased Santa Clara's town limits by 1,950 acres in 1856.

Santa Clara was the site of two significant early educational institutions in the California. The Catholic Archbishop in San Francisco instructed the Jesuit priest Father Nobili to renovate the deteriorated mission buildings into a college. Santa Clara College had 12 students when it opened in 1851. The University of the Pacific opened in Santa Clara in 1852 (it moved to San Jose in 1871, than later to Stockton).

The first major business in Santa Clara was the commercial hide tanner Wampach Tannery, established in 1848. The business became Eberhard Tannery in 1866 after its purchase by Jacob Eberhard. The company made fine leather goods in Santa Clara until it closed in 1953. Santa Clara also had a number of large seed farms such as J.M. Kimberlin & Company and R.W. Wilson Seed Company, later Ferry Morse, one of the world's largest seed producers. Founded in 1874, the Enterprise Mill & Lumber Company became the Pacific Manufacturing Company in 1880 after its acquisition by James Pierce. Pacific Manufacturing was the region's largest lumber manufacturer. Other Santa Clara businesses in the 1870s included the Cameron Hotel, the Bank of Santa Clara and the town first newspaper, *The Santa Clara Echo* (Thompson & West 1876:15).

In the early American Period, the main agricultural product in California was wheat and the type grown in the Santa Clara Valley was considered to be higher quality than other areas of California. Santa Clara County's wheat production increased from 600,000 bushels to a peak of almost 3 million bushels in 1878. Wheat farming declined in California by the 1880s because yields dropped from not rotating crops and the development of competing wheat growing areas like Australia and Argentina (Hilbert and Lewis 1984:2). The development of irrigation and new transportation systems in California also led to wheat being replaced by more lucrative crops, like fruit and vegetables. The opening of the transcontinental railroad also made it easier to ship fresh and canned products to the major cities in the east coast.

The drop in wheat production coincided in Santa Clara County with a shift to fruit growing as the basis of the local agricultural economy. Horticulture had early roots in San Jose with the work of Louis Pellier, Antoine Delmas and William Daniels in developing orchards and fruit varieties for the growing conditions. The 1853 Pioneer Horticultural Society founded in San Jose provided a forum for nurseryman to meet and to promote of local horticulture. The First State Agricultural Fair was held in 1856 in San Jose with the Santa Clara County orchardists winning most of the awards. In the 1870s, prunes became the predominant crop in the Santa Clara Valley, with other fruits, like apricots and cherries, and grape vineyards, also contributing to the economy. Dried fruit production exceeded fresh fruit because of its ease of shipping and low spoilage. Both Santa Clara and Campbell vied for the title of the Prune Capitol of the World. The fruit canning industry began in 1871 when Dr. James Dawson founded the area's first commercial cannery, later known as the San Jose Fruit Packing Company. With the numerous orchards near Santa Clara, fruit canning became a major industry with A. Block Fruit Company one of the largest.

Santa Clara had a population of 3,000 in 1880. In 1885, the California Legislature established Agnew State Hospital, the first state hospital for caring for the mentally ill, just north of Santa Clara in the town of Agnew (Santa Clara annexed this area in the 1950s). In 1889, the *Santa Clara Journal* published its first newspaper and in 1891, Santa Clara completed construction on a new city hall at Benton Street and Main. The city established its own electrical utility in 1896. The population of Santa Clara increased to 3,650 by 1900. The most serious damage from the 1906 earthquake was to Agnews State Hospital where 112 patients died. The buildings had to be largely rebuilt because of earthquake damage. The Pacific Manufacturing Company, however, prospered after the earthquake, supplying lumber to rebuild the extensive devastation in San Francisco. The population of Santa Clara increased to 4,348 as many San Francisco residents fled to the surrounding towns.

In 1912, Santa Clara College changed its name to the University of Santa Clara. Santa Clara built a new Town Hall at Franklin and Washington Streets in 1913. The town library moved to the new Town Hall. By 1920, the town of Santa Clara's population reached 5,220. In 1927, the town of Santa Clara became officially the City of Santa Clara. The City's population was 6,300 in 1930.

Food processing was still the main source of livelihood into the Depression years of the 1930s. The Santa Clara Valley had 120,000 acres in prunes worth \$ 15 million, and the dehydrators produced 100 million tons a year (Christiansen et al 1996:159). The City of San Jose alone had 22 canneries in 1930, most locally owned, and 13 fruit drying plants. Migrant workers picked the fruit and seasonal cannery workers canned it for shipment all over the world. The vast majority of orchards in the valley were 100 acres or less, tended by families from Southern European countries, some of who had their fruit stands. The relationship between growers and processor was often hostile during the 1930s, with many growers forming cooperatives to negotiate prices with the canneries. In 1939, the growers went on strike against the canneries protesting the low prices offered for their fruit. The cannery workers went on strike in 1931 because of wage reductions.

A major change in the focus of the Santa Clara Valley economy occurred in 1933. When the Naval Air Station in Sunnyvale opened in 1933, a variety of other military related industries started up in the area. The military presence also helped reduce the impact of the economic downturn of the 1930s on the local populace. The beginning of World War II brought a huge influx of population and investment by the federal government because of Moffitt Field or other military research facilities. The federal government invested \$ 35 billion in California during the War years. The Depression and war eras "marked the beginning of economic dependence on military contracts and the business of war" (Ignoffo 1994: 60). Originally producing equipment for the canning industry, the Food Machinery Corporation (FMC) in San Jose shifted its focus to the production of military equipment. The company remained a supplier to the Defense Department after the War.

The change in the economic focus led to eventual demise of the agricultural economy and the rise of the electronics industry in Santa Clara County. The economic changed led to the opening of the region's- first major airport, San Jose Municipal Airport near Santa Clara, dedicated February 1, 1949. The expanding urbanization of Santa Clara in the 1940s and early 1950s helped spur the development of new housing for a non-farm population of working families, cannery and railroad workers, plumbers, carpenters, drivers and construction workers. In 1940, Santa Clara County had 150,000 acres of orchards and a population of 174,949; by 1950, the population rose to 289,000 while orchard acreage decreased to 86,000 (Loomis 1985:28). The population of Santa Clara was 11,700 in 1950. During the 1950s and 1960s, many of City of Santa Clara industries with roots in the 19'h century, such as Eberhard Tanning and Pacific Manufacturing, closed. The population of the City of Santa Clara reached 83,500 in 1966.

In recent decades, Santa Clara has become an urban center with multi-unit housing, commercial centers, and many growing businesses, such as Intel and 3Com, in the electronics industry as "Silicon Valley" has grown. The City of Santa Clara had a population of 93,600 in 1990. The Silicon Valley boom of the 1980s and 1990s has dramatically altered the regional landscape; industrial parks, commercial districts and housing subdivisions have taken the place of the orchards that once flourished in the project area and in the Santa Clara Valley as a whole.

Historic Background: University of California Agricultural Extension

Modern agricultural research had its origins in the 18th century Enlightenment belief in the human's ability to make progress through the rational application of the scientific method. Prior to the 18th century, agricultural practice had remained essentially unchanged since the period of the Roman Empire. In the United States, Thomas Jefferson and Benjamin Franklin both conducted experiments to improve various agricultural methods. Special groups in Europe and America investigating various agricultural problems formed in the 18th century to discuss and correspond about their experiments. Organized in 1785, the Philadelphia Society for Promoting Agriculture was the first society of its type in the United States. Agricultural societies numbered in the hundreds by the mid-19th century and state legislatures supported state boards of agriculture. Six states had farmer's institutes by the early 1860s.

The United States Department of Agriculture (USDA) was formed in 1862, the same year the federal Morrill Act passed providing federal land grants to each state for the endowment of at least one College dedicated to teaching of agriculture and the "mechanic arts". The University of California was created in 1869 (originally in Oakland, later in Berkeley) by state legislation to take advantage of the Morrill Act. Ezra Carr was the University's first professor of Agriculture, Agricultural Chemistry and Horticulture. In 1887, the Hatch Experiments Station Act established agricultural experiment stations in land grant colleges. During the 1890s, land grant colleges began to offer short courses and traveling schools to farmers to improve agricultural methods. Cornell University led the nation with extension projects with grape growers in New York in 1894 (Scheuring 1989: 8). In 1897, the University of California created the Department of University Extension in Agriculture with E.J. Wickson as director. The Agricultural Extension expanded its activities by offering correspondence courses on a variety of agricultural topics in 1903.

In 1909, a federal Commission on Country Life recommended a nation-wide extension system to bring the resources of the agricultural colleges to farmers. The Smith Lever Act of July, 1914 created a national system of county agricultural agents/advisors through the USDA and the sponsorship of the state land grant colleges. Anticipating the national act, the University established its Division of Agricultural Extension within its Department of Agriculture in May, 1914. B.H. Crocheron was the first Director. The University's agricultural division began its Research and Extension Center system to research regional problems in 1912. Under the Smith Lever Act, the first county farm advisors were in San Diego, San Joaquin and Yolo Counties. Their work was strictly educational and not regulatory. The USDA paid for 18 percent operating costs of the County Extension Cooperatives, the counties paid for office and clerical staff and the University paid for the balance (Anonymous 1964:CL3). The agricultural extension service and the university experiment stations work together as a team, with the station conducting research and the extension adapting it to local conditions. The Santa Clara County research center known as the Deciduous Fruit Station - opened in 1920 on leased land in Mountain View (later moving to its current site in Santa Clara in 1928).

In 1934, the Agriculture Adjustment Administration (administered by the Extension) was formed to help farmers stabilize their incomes during the Depression. The program reduced production through agreements with farmers. As part of the war effort in the 1940s, the Extension produced brochures on blackout strategies for farm buildings, rural fire protection and home food production (Scheuring 1989:33). The post-World War II period was one of significant growth for the Extension as an array of new technologies was introduced, including drugs, chemical and machinery. By the 1960s, the Extension expanded its research and advising from commercial farmers to part-time farmers and non-farm audiences, including public land officials, turf growers, floriculturists, golf course managers and landscapers. In 1964, the Extension had 532 farm advisors and specialists, working in 50 general fields and in several hundred crops. The focus of the Experiment Stations has been on basic and long-term research while the Extension service engaged in adaptive fieldwork and immediate problem solving.

The University of California Deciduous Fruit Field Station, Santa Clara, California

Originally known as the University of California Deciduous Fruit Field Station, the Bay Area Research and Extension Center (BAREC) was established in the Santa Clara Valley in 1920 for investigating problems pertaining to the growth and care of deciduous fruits (Amstutz 1959). The station was planned to serve growers in California's central coast counties. The station initially leased 5 acres in Mountain View that existing buildings that could be converted to office and laboratory space. Dr. W.L. Howard was director. The station's early research focused on brown apricot scale control, the control of brown rot in apricots, irrigation and pruning methods and work on oakroot fungus. When the Mountain View station closed in 1926, the station moved to a temporary site in the Willow Glen area of San Jose.

The station moved to its permanent new location on the Santa Clara/Los Gatos Road (later Winchester Boulevard) in 1928. Dr. B. A. Rudolph, who worked as a plant pathologist at the station, became the superintendent. The University leased 13 acres here from the Woman's Relief Corps Home, a state institution providing housing to indigent widow and daughters of veterans of the Civil War. The State of California purchased this site in four parcels from A.E. Osbourne between 1921 and 1924. A new laboratory/office building and a shop/machinery storage building were completed in late 1928. Research activity at the declined in the late thirties as staff was moved to Berkeley and Davis. Apparently only Dr. Rudolph worked at the station during the war years.

In 1947, after the legislature closed the women's home to future applicants, several organizations tried to take control of the property, including the Santa Clara County Welfare Department. A number of agricultural organizations served by the experiment station lobbied for the continuance of the Deciduous Fruit Station because the Extension considered closing the Santa Clara station. The University opened and closed research stations regularly depending on the needs of different areas they served in the state (Scheuring 2002). After the University of California decided to keep the Santa Clara station operating, the state transferred 13 acres of the

property to the University in 1952. The Station's administration was also transferred to the Field Station Administration in Davis.

When Dr. Rudolph passed away in June, 1953, Alfred Amstutz became the station superintendent. Amstutz had worked at the station since it opened in 1928. According to Edwin Amstutz, Alfred Amstutz research focused on strawberry varieties and tomatoes for canning (Amstutz 2002). A short 1959 history of the Deciduous Fruit Field Station written by Alfred Amstutz indicated that the "successful projects completed at the station" included a spray program for apricot brown rot, control programs for weevils, aphids, cyclamen mite, walnut blight and oakroot fungus, production and release of 5 varieties of strawberries, ESSRR canning tomato resistant to verticillium; research on other planted attacked by verticillium. When the Women's Relief Corps buildings were demolished in 1963 five additional areas became part of experiment station.

The station research shifted to ornamental crops in the 1960s as subdivisions and office/research parks replaced Santa Clara County's fruit orchards. The original focus of the station (reflected in its name as a Deciduous Fruit Station) had obviously become obsolete. The California State Florist Association financed the construction of three greenhouses at the research station. The research in the greenhouses focused lilies and mums. The potting shed near the greenhouses dates from 1971. Research also focused in turf grass and landscape plants, like iceplant, oleander and pine. The station address changed from 125 to 90 North Winchester after the property was annexed by the City of Santa Clara in 1977. In 1995, the field stations became Research and Extension Centers so the Deciduous Fruit Station was renamed the Bay Area Research and Extension Center. The property recently transferred back to the State of California since the Extension decided to close BAREC.

III. DESCRIPTION OF HISTORIC RESOURCES

(the photos and sketch plan referenced are included with the attached DPR 523 forms)

The flat, rectangular shaped 17.5 acre Bay Area Research and Extension Center (BAREC) property has a tall hedge and wall largely shielding views of the property from North Winchester Boulevard. The majority of the property is planted with various crops. A cornfield occupies much of the central area. An apple orchard is at the southwest corner adjacent to a windrow of trees and a small vineyard. An area with turf grass is near Winchester Boulevard. The property is an area of suburban residential and commercial retail uses.

The BAREC property has its main building complex at the northeast corner. The main complex includes eight buildings. The original 1928 buildings on the site are the lab/office and the shop. The other six buildings - 3 greenhouses, restroom building, pesticide building and potting shed are modern structures dating from the 1970s. Other structures include a small pump house, water tank and an open storage shed. About 200 feet southwest of the main complex are two additional buildings - equipment shed and storage building (both from 1977).

The paved driveway and exit leading to Winchester Boulevard are north and south of the office/laboratory building (Photo 1). A chain link fence, several small trees and a box hedge are in front of the office/lab and paved parking area is at the rear of the building. Several small shrubs and trees are adjacent to the side facades. The irregular plan office/lab has a hipped roof covered with asphalt shingles and stucco exterior walls (Photo 2). Stylistically, the building resembles a bungalow style house of the period. The single-story front section steps up to a two-story rear section. Structurally, the building is stud wall, wood-frame construction with a concrete foundation. A stucco chimney projects from the east slope of the roof. The building primarily has one over one, wood-sash, double-hung windows. The main entrance door on the east facade is below a small shed roof supported by square columns with classical moldings (Photo 3). The building has subsidiary doors, one on the south and two on the north facades (Photo 4). Three garage doors are on the west facade. From the front door, one enters a reception area adjacent to a small office. The original plans indicate seven laboratories (now used as offices) occupied most the interior space. The first floor has a large laboratory area north of the office (Photo 5) and a small lab south of the reception area. A stair from the reception area leads hallway opening to five small labs on the second floor. The labs have tongue and groove siding on the walls and ceiling and cabinets on one wall (Photo 6). The basement area includes a kitchen, garage and furnace room.

Directly west of the lab/office is the machinery storage/shop building (Photos 7 & 8). This simply detailed, single-story building has a double gambrel roof covered with asphalt shingles. The roof eaves have exposed rafters. The stud-wall, wood-frame is covered with exterior, horizontal wood siding (the original siding is covered with plywood on the south facade). The south half of the east facade has an open entrance for machinery. Adjacent to this opening on the north is the shop area with a sliding door constructed of vertical wooden tongue and groove with diagonal bracing. The same sliding doors are on the west and north facades. The west facade has three, four light windows. The interior of the shop space has unfinished horizontal board walls, exposed roof rafters and a concrete floor (Photo 9).

Just south of the machinery storage/shop building are the three modern greenhouses and the potting shed. The rectangular plan greenhouses are steel tube frame construction with fiberglass exterior cladding (Photo 10). The rectangular shaped potting shed is constructed of wood-frame and concrete block (Photo 11). The exterior cladding is vertical wood boards and fiber-glass. The other buildings on the property dating from the 1970s include the restrooms (Photo 12), the pesticide building (Photo 13), the open storage shed (Photo 14), the pump house and water tank (Photo 15) and the equipment shed (Photo 16).

IV. HISTORIC EVALUATION

California Register of Historical Resources

In September, 1992, Governor Wilson signed Assembly Bill 2881 which created more specific guidelines for identifying historic resources during the project review process under the California Environmental Quality Act (CEQA):

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined eligible for listing in, the California Register of Historical Resources.²

Consequently, under Section 21084.1, an historic resource eligible for the California Register would by definition be an historic resource for purposes of CEQA compliance. The Final Guidelines for nominating resources to the California Register were published January 1, 1998. Under the regulations, a number of historic resources are automatically eligible for the California Register if they have been listed under various state, national or local historic resource criteria.³

In order for a resource to be eligible for the California Register, it must satisfy all of the following three criteria:

- A. A property must be significant at the local, state or national level, under one or more of the following four *criteria of significance* (these are essentially the same as National Register criteria with more emphasis on California history):
1. the resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.
 2. the resource is associated with the lives of persons important to the nation or to California's past.
 3. the resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
 4. the resource has the potential to yield information important to the prehistory or history of the state or the nation (this criteria applies primarily to archaeological sites).

² California State Assembly, Assembly Bill 2881, Frazee, 1992. An Act to Amend Sections 5020.1, 5020.4, 5020.5, 5024.6 and 21084 of, and to add Sections 5020.7, 5024.1, and 21084.1 to, the Public Resources Code, relating to historic resources.

³ This aspect of the California Register criteria is not relevant to the buildings affected by this project since they have not been previously listed under any historic resource designations.

- B. the resource retains historic integrity (defined below); and,
- C. it is 50 years old or older (except for rare cases of structures of exceptional significance).

The California Register regulations define "integrity" as ". . . the authenticity of a property's physical identity, evidenced by the survival of characteristics that existed during the property's period of significance," that is, it must retain enough of its historic character or appearance to be recognizable as an historical resource. Following the National Register integrity criteria, California Register regulations specify that integrity is a quality that applies to historic resources in seven ways: location, design, setting, materials, workmanship, feeling and association.⁴ A property must retain most of these qualities to possess integrity.

The use of the phrase ". . . appears potentially eligible or not eligible" for the California Register is standard practice in an evaluation discussion. Only the State Office of Historic Preservation can make an actual determination of eligibility for the California Register.

The only BAREC buildings over 50 years old are the lab/office building and the shop. The other buildings date from the late 1960s or 1970s, thus are not of potential historic significance. The lab/office building retains a high level of historic integrity. The only exterior alteration is the ramp on the front facade. The original interior plan and finishes are intact. The shop building also does not appear to have been altered since originally constructed. The potential significance of these buildings is under California Register Criterion 1 (patterns of history etc) because of their association with agricultural history of the Santa Clara Valley and the research programs of the University of California. BAREC has always been one of the smaller research stations in the University system with a limited staff and budget. The research at the station from 1928 to 1952 (i.e. conducted over 50 years ago) was typical of other stations in the system, focusing on plant pathology issues to serve local commercial agricultural interests. According to agriculture historian Ann Scheuring, the University has opened and closed research stations on an on-going basis depending on the needs of the agricultural economy in the various parts of California. Based on the historical research conducted for this research, the Santa Clara research station does not appear the research have had exceptional importance in the history of California agriculture. The strawberry varieties developed at BAREC may have contributed to the cultivation of this fruit, but more research is needed to assess its significance. In conclusion, the lab/office and the shop do not appear to be sufficiently significant under Criteria 1, 2 or 3, thus the buildings do not appear to be eligible for the California Register. The office building at 68 North Winchester Boulevard is a modern structure occupied by the Office of Veterans Affairs that does not appear to be of historic significance.

4. *The definition of integrity under the California Register follows National Register of Historic Places criteria. Detailed definitions of the qualities of historic integrity are in National Register Bulletin 15, **How to Apply National Register Criteria for Evaluation**, published by the National Park Service.*

V. IMPACTS & MITIGATION

CEQA Guidelines define a "significant effect" as a project that leads to a "substantial adverse change" such as "...demolition, destruction, relocation, or alteration that impair the significance of the historic resource" is the equivalent of a significant environmental effect.

For purposes of this project, a significant effect would occur if the project would have an effect on one or more properties listed on, or potentially eligible for inclusion on the California Register of Historical Resources. Such an effect could occur through demolition of or other substantial adverse change to an individually listed or eligible property, those properties contributory to a district or through the implementation or other adverse effects as a whole in a manner such that the district's integrity could be compromised or its eligibility diminished.

The Land Use Element of the *City of Santa Clara General Plan 1990-2005* has the following two policies regarding historic resources:

Policy 19: Identify and formally recognize historically and architecturally significant properties and features.

Policy 20: Encourage owners to rehabilitate and maintain historic properties. Consider adaptive reuse of historic structures as an alternative to demolition.

Impact 1.1-1: Under the proposed project, all the buildings within the 18 acre property at 68 and 90 North Winchester Boulevard in the City of Santa Clara, California will be demolished for new residential development.

Impacts Evaluation

The ten buildings at 68 and 90 North Winchester Boulevard evaluated in this report do not appear to be eligible for the California Register of Historical Resources. The proposed demolition will not affect any listed, or potentially eligible National Register or the California Register properties. Under the CEQA statutes and Guidelines, no mitigation measures are required.

Suggested Conditions of Approval

Although mitigation measures are not required under CEQA, the following condition of approval is recommended. Because of the association of the BAREC lab/office and shop with local agricultural history -an important part of Santa Clara Valley history - it is recommended that historic documentation of these buildings be prepared, including photographs taken according to the archival standards of the Historic American Building Survey (NABS). Copies of the documentation shall be donated to the local history collection at the City of Santa Clara Main Library, the California Room at the San Jose Main Library and the archives of the San Jose Historical Museum. A copy with the original photographic negatives shall be donated to the University of California archives at the Bancroft Library, University of California, Berkeley.

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DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings
Review Code _____ Reviewer _____ Date _____

Page 1 of 2

*Resource Name or #: 68 North Winchester Boulevard

P1. Other Identifier: NA

*P2. Location: Not for Publication Unrestricted X *a. County Santa Clara

and (P2b and P2c or P2d. Attach a Location Map as necessary)

b. USGS 7.5' Quad _____ Date _____ T _____; R _____; B.M. _____

c. Address 68 North Winchester Boulevard City Santa Clara Zip 95117

d. UTM: Zone _____; mE/ _____ mN _____

e. Other Location Data: (e.g. parcel #, directions to resource, elevation, etc. as appropriate)

This 5 acre parcel is bounded by Dorcich Street on the south and North Winchester Boulevard on the east, in the City of Santa Clara, Santa Clara County, California (APN 303-017-047).

*P3a. Description (Describe the resource and its major elements. Include design, materials, condition, alterations, size, setting & boundaries):

The Office of Veterans Affairs occupies the modern office building at 68 North Winchester Boulevard. The building dates from 1959 and was built by the State of California. The concrete block building has a gently pitched gable roof with wide eaves. The building has fixed pane windows. The building does not appear to meet the California Register criteria for resources less than fifty years old, thus it does not appear to be eligible for the California Register as an historic resource.

*P3b. Resource Attributes: HP6

*P4. Resources present: X Building _____ Structure _____ Object _____ Site _____ District _____ Element of District _____
Other _____

P5a. Photo or Drawing

SEE CONTINUATION SHEET

P5b. Description of Photo:

*P6. Date
Constructed/Age and
Sources: X Historic
____ Prehistoric
Both 1959

*P7. Owner and Address
State of California

*P8. Recorded by:
(Name, affiliation, and
address) Ward Hill,
Architectural Historian,
3124 Octavia Street, San
Francisco, CA 94123

*P9. Date Recorded
October, 2002

*P10. Survey Type: (Describe)
Intensive

*P11. Report Citation (Cite survey report and other sources, or enter none)

Historic Architecture Report for the Bay Area Research and Extension Center

Attachments: NONE X Location Map X Sketch Map X Continuation Sheet X Building, Structure and
Object Record _____ Archaeological Record _____ District Record _____ Linear Feature Record _____ Milling Station Record
____ Rock Art Record _____ Artifact Record _____ Photograph Record _____ Other (List) _____

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 2 of 2

*Resource Name or # (assigned by recorder) 68 North Winchester Boulevard

*Recorded by Ward Hill

*Date: October, 2002 ☒ Continuation ☐ Update



**68 North Winchester Boulevard
View from southeast**

State of California - The Resource s Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings
Review Code _____ Reviewer _____ Date _____

Page 1 of 23

*Resource Name or #: Bay Area Research & Extension Center

P1. Other Identifier: NA

*P2. Location: Not for Publication Unrestricted X *a. County Santa Clara
and (P2b and P2c or P2d. Attach a Location Map as necessary)

b. USGS 7.5' Quad _____ Date _____ T _____ R _____ ; B.M.

c. Address 90 North Winchester Boulevard City Santa Clara Zip 95117

d. UTM: Zone _____ ; _____ mE/ _____ mN

e. Other Location Data: (e.g. parcel #, directions to resource, elevation, etc. as appropriate)

This 17.5 acre rectangular shaped parcel is bounded by Forest Avenue on the north, Dorcich Street on the south, North Winchester Boulevard on east and Henry Avenue on the west, City of Santa Clara, Santa Clara County, California (APN 303-017-048).

*P3a. Description (Describe the resource and its major elements. Include design, materials, condition, alterations, size, setting & boundaries):

The flat, rectangular shaped 17.5 acre Bay Area Research and Extension Center (BAREC) property has tall hedges adjacent to a wall largely shielding views of the property from North Winchester Boulevard. The majority of the property is planted with various crops. A cornfield occupies much of the central area. An apple orchard is at the southwest corner adjacent to a windrow of trees and a small vineyard. An area with turf grass is near Winchester Boulevard. The property is an area of suburban residential and commercial retail uses. (see continuation sheet)

*P3b. Resource Attributes: HP33

*P4. Resources present: X Building _____ Structure _____ Object _____ Site _____ District _____ Element of District _____ Other _____

P5a. Photo or Drawing

SEE CONTINUATION SHEET

P5b. Description of Photo:

*P6. Date Constructed/Age and
Sources: X Historic _____ Prehistoric _____
Both 1928, 1969, 1970s

*P7. Owner and Address
State of California

*P8. Recorded by: (Name, affiliation, and
address) Ward Hill, Architectural
Historian, 3124 Octavia Street, San
Francisco, CA 94123

*P9. Date Recorded October, 2002

*P10. Survey Type: (Describe)
Intensive

*P11. Report Citation (Cite survey report and other sources, or enter none)

Historic Architecture Report for the Bay Area Research and Extension Center

Attachments: NONE X Location Map X Sketch Map X Continuation Sheet X Building, Structure and Object
Record _____ Archaeological Record _____ District Record _____ Linear Feature Record _____ Milling Station Record _____ Rock Art
Record _____ Artifact Record _____ Photograph Record _____ Other (List) _____

BUILDING, STRUCTURE AND OBJECT RECORD

*NRHP Status Code _____

Page 2 of 23

*Resource Name or # (assigned by recorder) Bay Area Research & Extension Center

B1. Historic Name: University of California Deciduous Fruit Field Station
B2. Common Name: Bay Area Research & Extension Center
B3. Original Use: Agricultural Research B4. Present Use Agricultural Research
*B5. Architectural Style: Bungalow

*B6. Construction History: (Construction date, alterations, and date of alterations)

The original lab/office and shop date from 1928; these buildings have not been altered extensively. The greenhouses date from 1969, and the potting shed 1971. The other buildings date from the 1970s.

*B7. Moved? X No Yes Unknown Date: NA Original Location: NA

*B8. Related Features: apple orchard, corn fields, trees

B9a. Architect NA b. Builder: NA

*B10. Significance: Theme Agriculture Area Santa Clara County
Period of Significance 1928-1950 Property Type Research lab Applicable Criteria A
(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

Originally known as the University of California Deciduous Fruit Field Station, the Bay Area Research and Extension Center (BAREC) was established in the Santa Clara Valley in 1920 for investigating problems pertaining to the growth and care of deciduous fruits (Amstutz 1959). The station was planned to serve growers in California's central coast counties. The station initially leased 5 acres in Mountain View that existing buildings that could be converted to office and laboratory space. Dr. W.L. Howard was director. The station's early research focused on brown apricot scale control, the control of brown rot in apricots, irrigation and pruning methods and work on oakroot fungus. When the Mountain View station closed in 1926, the station moved to a temporary site in the Willow Glen area of San Jose. (see continuation sheet)

J11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

B13. Remarks:

*B14. Evaluator Ward Hill, Architectural Historian

*Date of Evaluation: October, 2002

(This space reserved for official comments)

Sketch map with north arrow required
(see attached)

Page 3 of 23

*Resource Name or # (assigned by recorder) Bay Area Research & Extension Center

*Recorded by Ward Hill

*Date: October, 2002 X Continuation Update

Item P3a. continued:

The BAREC property has its main building complex at the northeast corner. The main complex includes eight buildings. The original 1928 buildings on the site are the lab/office and the shop. The other six buildings – 3 greenhouses, restroom building, pesticide building and potting shed – are modern structures dating from the 1970s. Other structures include a small pump house, water tank and an open storage shed. About 200 feet southwest of the main complex are two additional buildings – equipment shed and storage building (both from 1977).

The paved driveway and exit leading to Winchester Boulevard are north and south of the office/laboratory building (Photo 1). A chain link fence, several small trees and a box hedge are in front of the office/lab and paved parking area is at the rear of the building. Several small shrubs and trees are adjacent to the side facades. The irregular plan office/lab has a hipped roof covered with asphalt shingles and stucco exterior walls (Photo 2). Stylistically, the building resembles a bungalow style house of the period. The single-story front section steps up to a two-story rear section. Structurally, the building is stud wall, wood-frame construction with a concrete foundation. A stucco chimney projects from the east slope of the roof. The building primarily has one over one, wood-sash, double-hung windows. The main entrance door on the east façade is below a small shed roof supported by square columns with classical moldings (Photo 3). The handicapped ramp leading to the front entrance appears to be a later addition. The building has subsidiary doors, one on the south and two on the north facades (Photo 4). Three garage doors are on the west façade. From the front door, one enters a reception area adjacent to a small office. The original plans indicate seven laboratories (now used as offices) occupied most the interior space. The first floor has a large laboratory area north of the office (Photo 5) and a small lab south of the reception area. A stair from the reception area leads halfway opening to five small labs on the second floor. The labs have tongue and groove siding on the walls and ceiling and cabinets on one wall (Photo 6). The basement area includes a kitchen, garage and furnace room.

Directly west of the lab/office is the machinery storage/shop building (Photos 7 & 8). This simply detailed, single-story building has a double gambrel roof covered with asphalt shingles. The roof eaves have exposed rafters. The stud-wall, wood-frame is covered with exterior, horizontal wood siding (the original siding is covered with plywood on the south façade). The south half of the east façade has an open entrance for machinery. Adjacent to this opening on the north is the shop area with a sliding door constructed of vertical wooden tongue and groove with diagonal bracing. The same sliding doors are on the west and north facades. The west façade has three, four light windows. The interior of the shop space has unfinished horizontal board walls, exposed roof rafters and a concrete floor (Photo 9).

Just south of the machinery storage/shop building are the three modern greenhouses and the potting shed. The rectangular plan greenhouses are steel tube frame construction with fiberglass exterior cladding (Photo 10). The rectangular shaped potting shed is constructed of wood-frame and concrete block (Photo 11). The exterior cladding is vertical wood boards and fiber-glass. The other buildings on the property dating from the 1970s include the restrooms (Photo 12), the pesticide building (Photo 13), the open storage shed (Photo 14), the pump house and water tank (Photo 15) and the equipment shed (Photo 16).

Item B10. continued:

The station moved to its permanent new location on the Santa Clara/Los Gatos Road (later North Winchester Boulevard) in 1928. Dr. B. A. Rudolph, who worked as a plant pathologist at the station, became the superintendent. The University leased 13 acres here from the Woman's Relief Corps Home, a state institution providing housing to indigent widows and daughters of veterans of the Civil War. The State of California had purchased this site in four parcels from A.E. Osbourne between 1921 and 1924. A new laboratory/office building and a shop/machinery storage building were completed in late 1928. The station had a limited staff and budget. Research activity at the station declined in the late thirties as staff was moved to Berkeley and Davis. Apparently only Dr. Rudolph worked at the station during the war years.

In 1947, after the legislature closed the women's home to future applicants, several organizations tried to take control of the property, including the Santa Clara County Welfare Department. A number of agricultural organizations served by the experiment station lobbied for its continuance because the University considered closing the Santa Clara station given that the County was interested in taking over the property. The University opened and closed research stations regularly depending on the needs of different areas they served in the state (Scheuring 2002). After the University of California decided to keep the Santa Clara station operating, the state transferred 13 acres of the property to the University in 1952. The Station's administration was also transferred to the Field Station Administration in Davis the same year.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____

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Trinomial _____

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*Resource Name or # (assigned by recorder) Bay Area Research & Extension Center

*Recorded by Ward Hill

*Date: October, 2002 ☒ Continuation ☐ Update

When Dr. Rudolph passed away in June, 1953, Alfred Amstutz became the station superintendent. Amstutz had worked at the station since it opened in 1928. According to Edwin Amstutz, Alfred Amstutz research focused on strawberry varieties and tomatoes for canning (Amstutz 2002). A short 1959 history of the Deciduous Fruit Field Station written by Alfred Amstutz indicated that the "successful projects completed at the station" included a spray program for apricot brown rot, control programs for weevils, aphids, cyclamen mite, walnut blight and oakroot fungus, production and release of 5 varieties of strawberries, ESSRR canning tomato resistant to verticillium, research on other planted attacked by verticillium. When the Women's Relief Corps buildings were demolished in 1963, five additional areas became part of experiment station.

The station research shifted to ornamental crops in the 1960s as subdivisions and office/research parks replaced Santa Clara County's fruit orchards. The original focus of the station (reflected in its name as a Deciduous Fruit Station) had obviously become obsolete. The California State Florist Association financed the construction of three greenhouses at the research station. The research in the greenhouses focused lilies and mums. The potting shed near the greenhouses dates from 1971. Research also focused in turf grass and landscape plants, like iceplant, oleander and pine. The station address changed from 125 to 90 North Winchester after the property was annexed by the City of Santa Clara in 1977. In 1995, the field stations became Research and Extension Centers so the Deciduous Fruit Station renamed the Bay Research and Extension Center. The property recently transferred back to the State of California since the Extension decided to close BAREC.

Evaluation

The only BAREC buildings over 50 years old are the lab/office building and the shop. The other buildings date from the late 1960s or 1970s, thus are not of potential historic significance. The landscaping and plantings on the property also appear to date from the last 30 years. The lab/office building retains a high level of historic integrity. The only exterior alteration is the ramp on the front façade. The original interior plan and finishes are intact. The shop building also does not appear to have been altered since originally constructed. The potential significance of these buildings is under California Register Criterion 1 (patterns of history etc) because of their association with agricultural history of the Santa Clara Valley and the research programs of the University of California. BAREC has always been one of the smaller research stations in the University system with a limited staff and budget. The research at the station from 1928 to 1952 (i.e. conducted over 50 years ago) was typical of other stations in the system, focusing on plant pathology issues to serve local commercial agricultural interests. According to agriculture historian Ann Scheuring, the University has opened and closed research stations on an on-going basis depending on needs of the California agricultural economy. The strawberry varieties developed at BAREC may have contributed to the cultivation of this fruit, but more research is needed to assess its significance. Based on the historical research conducted for this research, the Santa Clara research station does not appear the research have had exceptional importance in the history of California agriculture. Thus, the lab/office and the shop do not appear to be significant under Criteria 1, 2 or 3, thus the buildings do not appear to be eligible for the California Register.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

age 5 of 23 *Resource Name or # (assigned by recorder) Bay Area Research & Extension Center
*Recorded by Ward Hill *Date: October, 2002 ☒ Continuation ☐ Update

Item B12 continued:

- Amstutz, Alfred
1959 "University of California Deciduous Fruit Station History," typewritten manuscript on file at the UC Agricultural Extension, Davis, CA.
- Amstutz, Edwin, brother of Alfred Amstutz
2002 Personal communication with Ward Hill, October 11, 2002
- Bay Area Research and Extension Center
"Headlines of the Fifties" on file at BAREC
"History of BAREC" on file at BAREC.
- Rodebaugh, Dale
1999 "Farmers to Lose Helping Hand," *San Jose Mercury News*, July 7, 1999, p.8.
- San Jose/Santa Clara City Directories 1928-1950.
- Santa Clara County Deed Records
Osbourne et al to State of California, 7/7/21, 8/21/21, 1/21/24.
State of California to the Regents of the University of California, 9/15/52, 3/18/63.
- Scheuring, Ann
2002 Personal Communication with Ward Hill, October 14, 2002.
- University of California Agriculture and Natural Resources
1990 Report on the Deciduous Fruit Agricultural Research and Extension Center Ad Hoc Review Committee, January 31, 1990.
2000 "UC Regents authorize return of research property to state," March 16, 2000 press release at [//danr.ucop.edu/news/jan-june2000/barec.html](http://danr.ucop.edu/news/jan-june2000/barec.html).
2002 "Bay Area Research and Extension Center" at the web site [//danrrec.ucdavis.edu/bay_area](http://danrrec.ucdavis.edu/bay_area)
no date list of BAREC buildings with construction dates.
- University of California College of Agriculture
1928 Laboratory building drawings dated June 1, 1928. On file at the Research and Extension Centers Administrative offices, Davis California.

LETTER 63

Kathryn Mathewson
April 10, 2006

63-1 The commenter states that the Ward Hill report and a page of comments were provided to each Commissioner at an April 6, 2006, meeting. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Carolyn Straub" <castraub@earthlink.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 4/18/06 10:56AM
Subject: San Joseans Comment on Fate of Santa Clara's BAREC Property

Dear Ms. Sciara, Ms. Lasky, Sen. Alquist, and Assemblymember Lieber:

We are writing in support of saving the former UC agricultural station property in Santa Clara, CA, at the urging of SaveBARAC.org., the Loma Prieta Chapter, Sierra Club; and other like conservation groups in Santa Clara County.

Though this is not a direct comment on the pending draft EIR and draft RAW documents, it is a heartfelt plea to salvage this land and turn it into a city park or something more creative than - once again - housing.

Silicon Valley has many, many many, and too many plans for simply housing or such entities as golf courses, like other parts of California, and isn't there something more creative, more outdoorsy, and more healthy to consider for this property so that can be shared creatively by all in our community?

Please come up with a solution, call it compromise if you will, to save this land in the midst of what was once the most beautiful place in the world, the Santa Clara Valley.

Thank you for your attention.

Sincerely,

Carolyn Straub
Steve McHenry

439 Chateau LaSalle Dr.,
San Jose, CA
95111

408-286-8858

Carolyn Straub
Writer, Editor, Copy Editor, Instructor

Website:

<http://home.earthlink.net/~castraub/thecopycleaner/>

CC: <vlasky@dtsc.ca.gov>, <senator.alquist@sen.ca.gov>,
<Assemblywoman.Lieber@assembly.ca.gov>

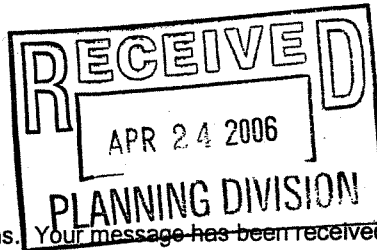
64-1

LETTER 64

Carolyn Straub
April 18, 2006

64-1 The commenter requests that the Project Site be preserved as a park. The DEIR evaluates an alternative that contemplates keeping the Project Site as open space (see Section 7.1, “No Project Alternative – Continuation of Existing Conditions”). As described in Section 7.8, “Environmentally Superior Alternative,” of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City’s housing shortfall.

From: Kim Fettahlioglu
To: bowman, steve
Date: 4/20/06 10:44AM
Subject: Re: BAREC



Thank you for your comments and concerns. Your message has been received in the Mayor and Council offices and distributed appropriately.

Regards,

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> steve bowman <jobs2research@yahoo.com> 04/18/06 4:50 PM >>>
I live a few hundred yards from BAREC and have enjoyed going there when they are open to the public to talk to the professors and master gardeners. We went every year to buy peppers and sometimes other vegetables they were growing. I can not believe you can not find a way to keep it open in its current state. There is no land like it any where else. I think it would be great to keep it farm land and let local household lease land there as long as they grow vegetable and keep it weed free. This idea works so well in Europe. make plots of 500 to 1000 square feet for lease at a nominal rate. Then have a farmers market. The fees could be used for upkeep on the historical buildings.

Please don't build more housing, or even worse turn it into commercial property. A park would be nice, but productive land would keep people in touch with the history of this valley. Keep a sense of the uniqueness of living here.

Thank You,
Steve Bowman

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

CC: Yvonne Galletta

65-1

LETTER 65

Steve Bowman

April 18, 2006

65-1

The commenter expresses opposition to the project and suggests letting local households lease the land to grow crops. The DEIR evaluated an alternative (Section 7.3, “No Project Alternative – Current Zoning”) that would develop the site with agricultural uses consistent with existing site zoning. Additionally, in response to comments received on the DEIR and Recirculated DEIR, a variant of the No Project Alternative – Current Zoning was evaluated that considered implementation of a small farming operation on the Project Site (see Master Response 6 – No Project Alternative – Current Zoning [Small-Scale Farming variation]). Neither the No Project Alternative – Current Zoning or its variant (i.e., Small-Scale Farming variation), would be environmentally superior to the project, because it would result in the potential exposure of residents to its own set of significant environmental impacts including new significant noise sources (e.g., farming activities) that could exceed the City’s noise standards and it could also result in potential seismic-related hazards because existing on-site buildings are not designed to meet current safety standards. Further, this alternative (and its variant) would not meet any of the City’s or State’s project objectives.

BAREC EIR Comments, 4/18/06

(Comments denoted by "=>")

Section 1.3.3: Nighttime Lighting

=> The overall Nighttime Lighting WILL increase over the existing lighting for BAREC today. It WILL increase, at a very small level, the overall lighting of the valley which already generates too much lighting to see the stars at night.

66-1

Section 2.3.2: "maximize the financial benefits to the State of California from the sale of the surplus property"

- ***California Civil Code 815: The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations.***

66-2

=> DGS and the CA State Legislature motives for this project are inconsistent with Civil Code 815 which requires the state to make every effort to preserve prime agricultural land. There is no mention anywhere in this EIR of this law or how the State has reconciled that the proposed project should take precedence over this requirement by California State Law.

Section 2.3.4: No Project Alternative - Current Zoning

"Because the project site would not be sold to private developers, funding would not be available for the clean up of contaminated soils on the site."

66-3

=> This is simply not true. Other funding can be found (research, grants, loans, etc), as well as other techniques to clean soil, than that proposed by the developer and the EIR.

=> The Save BAREC citizens group has proposed an alternative soil cleanup technique using bioremediation and/or phytoremediation following research methods widely used by Oregon State University. These techniques use plants to extract the toxins from the soil, which either neutralize the toxins in the soil or allow for plants to absorb the toxic substances and then the plants can be removed from the site. Either of these approaches are superior to the EIR/RAW proposed removal of contaminated soil from the property since this can not guarantee that some of the toxic soil will not go airborne. Dieldrin clings to soil particles, will be spread if dust is allowed to leave the property, and can harm local residents by either breathing the contaminated dust or having it settle on their property for future ingestion.

66-4

Reduced Development Alternative:

"The Reduced Development Alternative assumes that development of the project would minimize conversion of state-designated important farmlands (a significant and unavoidable

66-5

Linda Perrine, San Jose Resident, Environmental Educator
strangefirewillow@yahoo.com

408-971-4169

Page 1

impact of the project) on the project site. The entire project site is designated as prime farmland or farmland of statewide importance under the FMMP.”

=> This EIR declares that this property qualifies as state-designated important farmland and the loss of it is “a significant and unavoidable impact”. California is losing farmland to development all over the state. To have the State of California initiate development on some of the few remaining Prime Farmland acres in Santa Clara Valley is unacceptable, especially when it is their responsibility to help preserve what remains across the state.

66-5
Cont'd

=>The assumption that part of the site would remain undeveloped is a gross assumption by the authors of the EIR. Partial farming on this property could take place and was not offered as an alternative or even mentioned. Organic farming should be evaluated as the preferred method of farming some or all of this property.

66-6

Environmentally Superior Alternative:

“State CEQA Guidelines Section 15126.6(e)(2) requires that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

67-7

=> Where is the environmentally superior alternative? The EIR needs to evaluate a non-profit educational organic agriculture project as one superior alternative as being proposed by Save BAREC local citizens group.

=> This proposal is being put forward by local residents as not only an environmentally superior alternative but a community superior alternative as well. The proposal includes allowing a non-profit to purchase the land from the state at fair market agricultural land value. Based on ag land prices in Gilroy and Salinas Valley, this should be approximately \$20-25K/acre. The state can not be allowed to place the highest priority on maximum financial gain for some of the last good farmland in Santa Clara County. If a non-profit can offer fair market value for the property while it is zoned agricultural, the State and the City must fairly review this proposal.

66-8

Conversion of farmland to non-agricultural use: “Because the proposed project would result in conversion of important farmland to non-agricultural use, this would be a significant impact. No feasible mitigation measures or alternatives exist that can avoid this significant impact.”

66-9

=> This is simply untrue. Partial development of the property, or no development of the property would allow other agricultural projects to take place here.

Table 2-1:

“Large- or small-scale agricultural operations in Santa Clara County would not be economically viable in the long run because of many factors including: high land prices, which in turn creates high property taxes, increasing local and state regulations, high water and labor costs, competition in the agriculture market by foreign and other state areas, and the presence of predominantly urban land uses in the surrounding neighborhood.”

66-10

=>This EIR has no serious evaluation of a possible agricultural project as an alternative to what the State wants for this property. If the Save BAREC citizens group is given a chance to make a proposal, we could show a financially sustainable non-profit educational organic agricultural program that could be economically viable, non-intrusive to the local residents and healthy for the environment and community.

Linda Perrine, San Jose Resident, Environmental Educator
strangefirewillow@yahoo.com

408-971-4169

Page 2

4.5-1: Impacts on Common Plants and Wildlife. "Development of the project site would not substantially reduce available habitat for any common plant or wildlife species and would not cause any measurable effect on the local population of any native plant or animal. This impact would be less than significant."

=> This is not accurate when compared to an organic agricultural project that would actually provide needed habitat for plants and wildlife that the Santa Clara Valley sorely needs. The EIR completely avoids this possibility.

66-11

4.6.1: Environmental Setting

"creation of significant safety hazards for construction workers or adjacent residents would be less than significant"

=> This EIR avoids and does not address the known Dieldrin pesticide levels on the property and how it will be mitigated given that it can become airborne in dirt and dust stirred up by the cleanup process. The RAW proposal to remove contaminated soil from the property can not guarantee that Dieldrin will not leave the property on soil that goes airborne to be inhaled or contacted by local residents. The State needs to consider more conservative approaches to dieldrin removal using bioremediation and other slower but less risky removal methods.

66-12

Soil/Groundwater

=> The EIR/RAW was found to have no planned testing of the groundwater for contamination or testing of off-site soil, drainages, standing water areas, or neighboring residential properties for possible run-off of pesticide contamination. This is unacceptable.

66-13

4.9-1: No new schools required due to available capacity:

=> Local schools (Corey & Hester Elementary) in this area have been closed due to lower enrollments in recent years. Hundreds of these students were shifted to Trace Elementary. This has resulted in additional temporary buildings being added on at Trace Elementary due to not enough indoor space to accomodate new students. Trace lost its only basketball court due to these decisions. Additional homes on the BAREC site will require a readjustment of these schools again, possibly contributing to either more temporary buildings or the shifting of students out of Trace making the loss of playground field space a tragic mistake. The EIR needs to evaluate not just whether local schools can accomadte students but what other steps will have to be taken (i.e. Temporary buildings, loss of playground fields) to make it possible. Each temporary building results in loss of outdoor playground space for children to get exercise.

66-14

7.2 NO PROJECT ALTERNATIVE-CONTINUATION OF EXISTING CONDITIONS

=> This option needs to evaluate purchase of the property by a local non-profit organization at fair market agricultural land value. There is no mention of this possibility and yet there are offers by local organizations to do so.

66-15

Section 7.3 = No Project Alternative = Current Zoning

"It is likely that new structures would be constructed under this alternative to support proposed uses, and that heavy equipment (e.g, tractors, plows, forklifts) would be used as part of site operations."

=> This is not necessarily true. Farming could take place without the use of heavy machinery (tractors, plows, forklifts). The organic biointensive approach uses all manual labor in the process of teaching others how to garden sustainably, with maximum production, and no chemical inputs.

66-16

Linda Perrine, San Jose Resident, Environmental Educator
strangefirewillow@yahoo.com

408-971-4169

Page 3

"Because the project site would not be sold to private developers, funding would not be available for the clean up of contaminated soils on the site."

66-17

=> This is absolutely not true. Funding is available through research dollars for alternative ways to clean up contaminated soil. Oregon State University is one possibility. Dr. Elaine Ingham's Soil Food Web is another possibility.

"Because the site would be developed with farming operations, it is likely that hazardous materials, such as pesticides and fuels, would be used on a regular basis."

66-18

=> Absolutely not true! Organic farming is not even considered here and must be.

Section 7.5 – Reduced Development Alternative

"The entire project site is designated as prime farmland or farmland of statewide importance under the FMMP."

66-19

=> See previous comments. It is absolutely absurd that the State of California, while bemoaning the loss of central valley farmland, along with other high quality farmland around the state, is willing to put forward a plan to destroy this Prime Farmland for the sake of housing. Who is the State working for – the people or the corporations?

Linda Perrine, San Jose Resident, Environmental Educator
strangefirewillow@yahoo.com

408-971-4169

Page 4

LETTER 66

Linda Perrine

April 18, 2006

- 66-1** The commenter states that the nighttime lighting will increase over the existing nighttime lighting at the Project Site and will contribute to an increase in nighttime lighting in the valley. The project's nighttime lighting impacts were evaluated consistent with the requirements of CEQA in Section 1.3.3 (page 1-3) of the DEIR. As described therein, the DEIR concluded that the project's nighttime lighting impacts would be less-than-significant because the proposed lighting would be of the same height and intensity as surrounding neighborhood light sources and would comply with City of Santa Clara standards for light fixtures that require fixtures to reflect light away from adjoining residential properties and public street. The commenter offers no evidence to support the statement that nighttime lighting in the valley would substantially increase; therefore, no further response can be provided.
- 66-2** The commenter states that DGS' motives for the project are inconsistent with California Civil Code 815. This comment is not related to the environmental analysis presented in the DEIR; therefore, no response can be provided.
- 66-3** The commenter states that other funding is available to clean up on-site soils including research, grants, and loans. This comment is not related to the environmental analysis presented in the DEIR; therefore, no response can be provided.
- 66-4** The commenter suggests that bioremediation and/or phytoremediation should be used on the Project Site and these remediation techniques are superior to the clean-up proposed by the project. The commenter also expresses concern regarding the potential release of contaminated dust during remediation activities. A response to the suggestion that bioremediation and phytoremediation be used at the Project Site and the potential hazards associated with on-site remediation activities is provided in Master Response 4, Sections 3.4.2 "Potential Health Impacts of Remediation Activities, Including Airborne Dispersal," and 3.4.4 "Use of Phytoremediation/Bioremediation to Remediate On-Site Soils".
- 66-5** The commenter states that to have the State initiate development on some of the few remaining acres of prime farmland is unacceptable. While the State is the current owner of the property, it would not develop the site with proposed uses. Instead, the State would sell the property to the City and a private developer, who have applications in process for the development of the property. The project's impacts to farmland resources were evaluated consistent with the requirements of CEQA in Section 4.1, "Land Use and Agricultural Resources," of the DEIR. As described therein, the DEIR concluded that the conversion of important farmlands would be a significant impact and that no feasible measures are available to mitigate the loss of prime farmland or the conversion of farmland to non-agricultural uses (see Mitigation Measure 4.1-2, page 4-9 of the DEIR). Please refer to response to Master Response 7 and comment 75-4 for additional discussion explaining why mitigation of this impact is infeasible.

- 66-6** The commenter states that the DEIR should evaluate an organic farm alternative. In response to comments received on the DEIR and Recirculated DEIR, a variant of the No Project Alternative – Current Zoning has been evaluated that considered implementation of a small farming operation on the Project Site (see Master Response 6 – No Project Alternative – Current Zoning [Small-Scale Farming variation]). Neither the No Project Alternative – Current Zoning or its variant (i.e., Small-Scale Farming variation), would be environmentally superior to the project because it would result in the potential exposure of residents to new significant noise sources (e.g., farming activities) that could exceed the City’s noise standards and it could also result in potential seismic-related hazards because existing on-site buildings are not designed to meet current safety standards. Further, this alternative (and its variant) would not meet any of the City’s or State’s project objectives.
- 66-7** The commenter asks where the environmentally superior alternative is and states that the DEIR needs to evaluate an educational organic agricultural project. Regarding the evaluation of an organic agricultural project please refer to response to comment 66-6. The environmentally superior alternative is identified in Section 7.8, “Environmentally Superior Alternative,” of the DEIR. As described therein, the No Project Alternative – Continuation of Existing Conditions was identified as the environmentally superior alternative to the project and to all other alternatives.
- 66-8** The commenter explains how the Project Site could be purchased by a non-profit agency for an organic agricultural project. Please refer to response to comment 66-6.
- 66-9** The commenter disagrees with the DEIR’s conclusion that farmland impacts would be significant and unavoidable and suggests that no development or partial development of the site would allow other agricultural project’s to take place. Regarding disagreement of the conclusions of the DEIR, please refer to Master Response 2. Regarding the project’s farmland impacts please refer to responses to comment 66-5 and 66-6.
- 66-10** The commenter states that the DEIR does not evaluate an agricultural project alternative. Please refer to response to comment 66-6.
- 66-11** The commenter states that an organic agricultural project would provide needed habitat for plants and wildlife. If an organic farm or other organically cultivated project were implemented on the Project Site, it would likely result in the development of the entire site with row crops, orchards, herb gardens, greenhouses, and other small-scale farming facilities. No native habitat or plant species would remain on the Project Site. Regarding the evaluation of an agricultural project for the Project Site, please refer to response to comment 66-6.
- 66-12** The commenter states that the DEIR does not address dieldrin on the Project Site and how it will be mitigated. The commenter also states that the DEIR should consider a phytoremediation and/or bioremediation alternative. The project’s hazards and hazardous materials impacts were evaluated consistent with the requirements of CEQA in Section 4.6, “Hazards and Hazardous Materials,” of the DEIR and Recirculated DEIR. This analysis identified that a RAW would be prepared that would remediate on-site soils contaminated with arsenic and dieldrin to unrestricted residential use levels, the State agency responsible for overseeing the clean-up of contaminated properties. Regarding the evaluation of a bioremediation/phytoremediation alternative, please refer to Master Response 4, Section 3.4.4, “Use of Phytoremediation/Bioremediation to Remediate On-Site Soils,” for a discussion of the feasibility of this remediation method.

- 66-13** The commenter states that it is unacceptable that no groundwater testing occurred at the Project Site. Regarding the need to test on-site groundwater, please refer to response to comment 8-10.
- 66-14** The commenter states that the DEIR needs to evaluate impacts to schools and the loss of play space as a result constructing new portable classrooms. The project's impacts to school facilities were evaluated consistent with the requirements of CEQA in Section 4.9, "Public Services and Utilities," of the DEIR. As described therein, the project would result in less-than-significant impacts to school facilities because the project applicants shall pay State-mandated school impact fees, which is legally prescribed under CEQA to provide full and complete mitigation for the project's school impacts as required by CEQA.
- 66-15** The commenter states that the DEIR needs to evaluate the purchase of the property by a small non-profit. This comment does not address the environmental analysis presented in the DEIR; therefore, no response can be provided.
- 66-16** The commenter states that use of heavy equipment including plows and tractors would not necessarily be needed if the Project Site were farmed under an organic biointensive approach. It appears the commenter is referencing a small organic farm alternative. Regarding the evaluation of an organic farm alternative please refer to response to comment 66-6.
- 66-17** The commenter states that other funding is available to clean up on-site soils including research, grants, and loans. This comment is not related to the environmental analysis presented in the DEIR; therefore, no response can be provided.
- 66-18** The commenter states that the DEIR did not consider organic farming. Please refer to response to comment 66-6.
- 66-19** The commenter states it is absurd that the State is proposing development that would result in the loss of farmland. Please refer to response to comments 66-5.

From: <George2Cleveland@aol.com>
To: <kriley@ci.santa-clara.ca.us>
Date: 4/19/06 3:43PM
Subject: Santa Clara Gardens Development Project Draft EIR

April 19, 2006
Kevin Riley, AICP, Director of Planning and Inspection
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Subject Draft Environmental Impact Report
Santa Clara Gardens Development Project

I have reviewed the information contained in the subject report and would like to take this opportunity to submit my thoughts regarding some of the content of the report.

I must admit that I have not studied each and every page of the report, especially the attachments, but believe I have a sufficient understanding of the report to provide these comments.

The report is well thought out and includes a number of issues that would not have come to my mind. Following are my comments basically in the sequence as they are raised in Chapter 2, Executive Summary.

* No Project Alternative – Continuation of Existing Conditions

This alternative has been advocated by a number of individuals and groups opposing the development of the site for housing. As a taxpaying resident of San Jose located 2 miles from the site for almost 40 years, I feel it is incumbent upon the State to maximize the value of this abandoned site by selling it at its highest market value. Making 6 of the 17 acres of the site available to the City of Santa Clara for less than full market value with the provision that the portion only be used for affordable senior housing fairly addresses the urgent need to create additional housing facilities for the growing population of older persons unable to afford the high housing costs of this area.

* No Project Alternative – Current Zoning

Under this alternative, the site would potentially be used for various agricultural functions which could include orchards, row crops, etc. The probability of livestock, dairy or similar is low because of the negative impact on the neighboring residents. The 17 acre site really is too small and with its location entirely enclosed in a densely populated urban area, it is highly unlikely that the site could be operated economically for other agricultural purposes. There is no nearby source of agricultural supplies or equipment. Any employees would not be able to locate housing nearby, and there would be no real market for the produce other than nearby farmer's markets. To create demonstration segments for orchards, crops, etc. would require appropriate mitigation of existing hazardous materials. In one moment the opponents to the site development are critical of this contamination yet in the next moment they advocate bringing children onto the contaminated site.

* Table 2-1 Summary of Project Impacts and Mitigation Measures

In this table, 2 Impacts are identified as Significant, one of which can not be mitigated and is commented upon above. The other can be mitigated to Less Than Significant. Nine Impacts are identified as Potentially Significant, eight of which become Less Than Significant following the identified mitigation actions. The one impact remains Significant and Unavoidable, and addresses the traffic at the Winchester Boulevard/Forest Avenue intersection which also will be the major access/egress point to the site. At this time, it is not really possible to accurately determine the effect of the planned mitigation

67-1

67-2

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67-5

measures, but one can expect that those using this intersection will develop courses of action to minimize any difficulties that they encounter.

In conclusion, I strongly recommend adoption of the Draft Environmental Report as submitted.

George W. Cleveland
4675 Doyle Road
San Jose, Ca 95129

67-5
Cont'd

LETTER 67

George W. Cleveland

April 19, 2006

- 67-1** The commenter states that the DEIR is well thought out. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 67-2** The commenter states that the state should sell the Project Site at its highest market value. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 67-3** The commenter states that dedicating 6 acres of the project to senior housing is appropriate. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 67-4** The commenter states that continued agricultural use of the site would not be economically feasible. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 67-5** The commenter summarizes the impacts of the project and urges the commenter to adopt the DEIR. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

April 19, 2006

City of Santa Clara
Gloria Sciara, Historic Coordinator
Redevelopment Agency
1500 Warburton Ave.
Santa Clara, CA 95050

Re: Santa Clara Gardens Project Environmental Impact Report (EIR)

Dear Ms. Sciara:

I am writing to you in regards to the EIR recently published for the Santa Clara Gardens Project. I am a private citizen that has become concerned about the conversion of this site; the city and developers are trying to change this site from the only open space left in the City of Santa Clara to a housing development in which over nine hundred (900+) individuals will live. The inclusion of so many additional people into an already densely urbanized area will create impacts that I believe to have been downplayed in the EIR for this project. In this letter, I will briefly discuss a few of the issues that I have with the information presented in the EIR, as well as a possible alternative to the project as it is currently presented.

68-1

As a bioarchaeologist, one of my concerns is with the mitigations listed for the possible impacts to previously undiscovered cultural resources on the site. The EIR states that, "in the event any archaeological resources are discovered (by the construction company/workers is inferred)...the applicant shall retain the services of a qualified archaeologist to evaluate the resources found onsite." My experience in the field leads me to the firm conviction that this is not enough. Many artifacts found in the field are fragmentary and encased in mud or dirt, and are thus difficult to identify. Using the services of construction workers who are untrained in the identification of local prehistoric/historic cultures and their artifactual remains is inappropriate. It is likely that the construction workers/management would not recognize artifacts as such during construction efforts. A more appropriate choice for monitor at the site would be a trained archaeologist or archaeology graduate student, who would remain at the site throughout construction. This would also aid the construction company since the archaeologist/monitor would be able to begin analysis of any finds at the time of discovery, rather than waiting for contact by the construction company after the find is made.

68-2

Another issue that I wish to address is the mitigation listed for the discovery of previously undiscovered human remains. While the EIR correctly notes the proper procedures for contacting the county coroner upon discovery of human skeletal remains, and the Native American Heritage Commission if those remains are determined to be Native American, it again relies on construction workers to

68-3

identify the remains and contact the proper authorities. I do have problems with this:

- Human and faunal skeletal materials, especially if the remains are fragmentary, appear very similar to the untrained and may be misidentified. This issue of skeletal fragmentation is compounded by the climate and soil (adobe clay) of this valley, which virtually assure skeletal breakage. Every year, any buried human bones absorb water during the rainy season, which causes the bones to expand, and then lose this water during the dry season, which causes the bones to constrict. This process of expansion and constriction, over hundreds or thousands of years, adversely affects the integrity of the bone, causing fragmentation upon exhumation.
- Construction crews have, in recent history, uncovered multiple remains (and moved them!) prior to contacting the proper authorities. I am referring to the 2003 re-landscaping of the Stanford golf course (CA-SCL-287). The Muwekma Ohlone Consulting Services were hired to complete the remaining exhumations of the discovered Native American remains, but provenience and context were lost for these initial burials. The reasons for the mistake, whatever they may be, are irrelevant when the loss of information is considered.

Again, a trained physical anthropologist or graduate student should be used as a human remains monitor throughout construction. This would again also aid the construction company since the physical anthropologist/monitor would be able to begin analysis of any finds at the time of discovery, rather than waiting for contact by the construction company after the find is made.

Additional issues that I feel should be addressed concern the EIR's finding that the current police levels and public school resources are sufficient to handle an increase of 900+ residents in the area.

- The Santa Clara Police Department states that they maintain a police to resident ratio of 1.48:1000. The addition of almost 1000 residents would require an addition of at least one police officer, according to the department's own published requirements.
- While the project is slated to add 110 single-family homes, the EIR states that this will only increase student attendance by "...approximately 16 elementary and middle school students and approximately 19 high school students." The EIR refers to "student generation rates", but does not mention the source from which these rates came and I find them questionable. They are stating that, out of 110 families, only 35 will have children and if, as it often occurs in the real world, some families have more than one child, the rate of families with children is less than 30%.

The results of the EIR on these two issues raise questions about the methodologies and statistics used by the authors of the report, as well as their results in other categories.

68-3
Cont'd

68-4

68-5

At this time, I would like to suggest an alternative to the presently proposed project. The local SaveBarec organization has plans for a self-sustainable County Educational Agriculture Project that is feasible and preferable. The 17-acre site would be used to educate the public about agriculture through the use of fruit orchards, farm row crops of vegetables and berries, biointensive garden beds, landscape training and demonstration gardens, and a children's garden. The continued use of agriculture at this site would ensure the continued protection of any undiscovered human artifactual or skeletal remains; this has been demonstrated by the fact that agricultural activities in the past eighty (80) years have not previously exposed such remains and future activities do not intend to delve to deeper soil depths. The lack of housing at the site would also ensure that police and educational resources in the area would not be strained by the simultaneous addition of almost one thousand residents in their districts.

68-6

I would like to thank you for your time and consideration. Please feel free to contact me with any questions that you may have or for any clarifications that you may need. I look forward to an agreeable conclusion to this issue.

Sincerely,

Melynda Atwood, BA
SJSU Physical Anthropology/Environmental Sciences graduate student

LETTER 68

Melynda Atwood

April 19, 2006

- 68-1** The commenter expresses opposition to the project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 68-2** The commenter expresses concern about the mitigation measures listed for undiscovered cultural materials on the site. The commenter suggests that a monitor trained in the field of archaeology be present during project construction activities. As described in the DEIR, Mitigation Measure 4.11-3 recommends that a qualified archaeologist be hired in the event any archaeological resources are discovered during site earthwork activities. This measure, as described in the DEIR, would fully mitigate potential impacts on previously undiscovered cultural resources to a less-than-significant level. As a result, the need for an on-site archaeologist during earthwork activities is not necessary or required by CEQA.
- 68-3** The commenter requests that a trained physical anthropologist or graduate student monitor the Project Site for potential human remains. As described in the DEIR, Mitigation measure 4.11-4 would fully mitigate project impacts to previously undiscovered human remains consistent with CEQA requirements. Please refer to response to comment 68-2.
- 68-4** The commenter disagrees with the DEIR's conclusion that the City's police services are adequate to serve the project. Regarding the disagreements on the conclusions of the DEIR, please refer to Master Response 2. Impact 4.9-1 of the DEIR states that staff of the Santa Clara Police Department have indicated that development of the project would not substantially affect their ability to serve the project and surrounding area, and no additional personnel or equipment would be needed (Scaletta, pers. comm., 2006; Sawyer, pers. comm., 2006). This conclusion was made after consultation with City police personnel as a source of substantial evidence. No new evidence is provided by the commenter to support the argument that the analysis presented in the DEIR is inadequate. Therefore, no response can be provided.
- 68-5** The commenter states the DEIR does not provide the source of student generation rates provided in the DEIR and questions the accuracy of these student generation rates. The student generation rates presented on page 4-90 of the DEIR were obtained from Campbell Union High School District. As such, they accurately reflect the school district's observations of per capita student generation rates within their district. The commenter offers no evidence supporting an alternate student generation rate. The DEIR identified that the single-family units proposed for the project would result in the generation of approximately 16 elementary and middle school students (0.14 student per unit x 110 units) and approximately 19 high school students (0.17 student per unit x 110 units). Senior housing developments would not result in the generation of new students. Most senior developments do not allow persons under 18 to reside at the premises.

Regarding the project's impacts to local schools, the project applicant will pay State-mandated school assessment fees to pay their fair share costs of providing new school services. Government Code Section 65996 states that payment of State-mandated school impact fees is deemed to be full and adequate mitigation under CEQA.

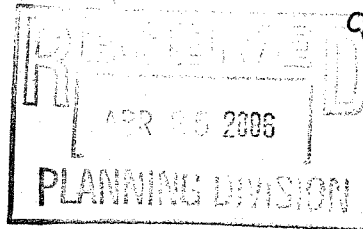
68-6

The commenter suggests an alternative that would allow the site to continue in agricultural production. The DEIR evaluated an alternative in Section 7.3, "No Project Alternative – Current Zoning," that would allow for agricultural operations to continue at the Project Site. In response to comments received on the DEIR and Recirculated DEIR, a variant of the No Project Alternative – Current Zoning was evaluated that considered implementation of a small farming operation on the Project Site (see Master Response 6 – No Project Alternative – Current Zoning [Small-Scale Farming variation]). Neither the No Project Alternative – Current Zoning or its variant (i.e., Small-Scale Farming variation), would be environmentally superior to the project because it would result in the potential exposure of residents to new significant noise sources (e.g., farming activities) that could exceed the City's noise standards and it could also result in potential seismic-related hazards because existing on-site buildings are not designed to meet current safety standards. Further, this alternative (and its variant) would not meet any of the City's or State's project objectives.

PAUL DUCHSCHERER
INTERIOR DESIGNER
HISTORIAN

19 April 2006

City of Santa Clara / Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050



RECEIVED
APR 24 2006
CITY OF SANTA CLARA
COMMUNITY SERVICES

RE: Proposed housing development
FOR: Site of Bay Area Research and Development Center ("BAREC")

To Whom It May Concern:

I feel compelled to voice my opinion concerning the housing development now under consideration for the former BAREC site. I am a self-employed design consultant and historian with a specialty in historic building projects, and author of several books about America's early 20th century architecture, interiors, and gardens, including *The Bungalow* (1995), *Inside the Bungalow* (1997), *Outside the Bungalow* (1999), and *Beyond the Bungalow* (2005). I also wrote a book called *Victorian Glory in San Francisco and the Bay Area* (2001).

As a Bay Area resident for over 35 years, I have witnessed many irreversible (and too often, regrettable) changes to our local landscape during that time. As a historian, I am keenly aware of the vast changes that had beset the Santa Clara Valley region long before I first saw it. From this perspective, I see how critical the conservation of this region's dwindling open spaces has become, and how often this issue is given minimal priority in the name of progress. The prudent preservation of publically-owned open spaces that remain goes hand-in-hand with saving our unique local cultural and architectural heritage sites. For both current and future generations, it is doubly critical that we do not let the real value of these priorities be obscured by short-term "gains".

Unfortunately, the lessons of the past don't inform enough future planning. In my opinion, the housing development under consideration for the BAREC site is an example of misplaced, developer-driven priorities that have sidelined the local historic and cultural heritage of Santa Clara into near-oblivion today. The bigger picture is not being adequately considered. Under the perception of greater public benefit, this proposed development will irreversibly decimate a priceless remaining parcel of open space in the middle of town, and will be of true benefit to only a relatively few.

Preservation of this open space will keep a rare vestige of the Santa Clara Valley's agricultural heritage intact. It can also make way for a rewarding new public resource, of enduring benefit for visitors and residents alike: as an active learning center for sustainable urban agriculture, as a source of organic foods for the community, and as a potential resource of self-sustaining solar power. Moreover, I believe that the existing buildings on the site possess both historic and architectural merit, and these should be preserved and adaptively reused as integral parts of the site's new uses. I respectfully encourage Santa Clara to recognize and act on this opportunity, before it is too late.

Sincerely,

A handwritten signature in cursive script, reading "Paul Duschcherer".

69-1

LETTER 69

Paul Duchscherer

April 19, 2006

69-1

The comment expresses opposition to the project and support for preserving the site as open space. The DEIR evaluates an alternative that contemplates keeping the Project Site as open space (see Section 7.1, “No Project Alternative – Continuation of Existing Conditions”). As described in Section 7.8, “Environmentally Superior Alternative,” of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City’s housing shortfall.

From: "Cameron M. Colson" <cameroncolson@californiacompliant.com>
To: Gloria Sciara <gsciara@ci.santa-clara.ca.us>, Virginia Lasky <vlasky@dtsc.ca.gov>
Date: 4/21/2006 12:18:01 PM
Subject: BAREC COMMENT

Find attached PDF file's

Please confirm receipt:

Ms. Sciara

Ms. Lasky

I look forward to any comments or questions in this matter.

Sincerely,

Cameron Colson
Direct 408-205-5757

CC: Mark Wolfe <mrw@mrwolfeassociates.com>, SaveBAREC <info@savebarec.org>, DAVID BONASERA <davidbsp@sbcglobal.net>

Alternative to the Proposed Santa Clara Gardens Development Project

Re-Use ALTERNATIVE – MAINTAIN CURRENT ZONING

REMEDICATION THEN RE-USE, A PLAN FOR THE GREATEST GOOD

By Cameron M. Colson friend of BAREC

The Re-use Alternative, Remediation then Reuse Plan fits current zoning land uses, is consistent with existing zoning designations, versus proposed City/State use for residential infill development and; serves the greatest good for current and future generations. The project site is currently designated in the City General Plan as moderate density residential, which allows the development of up to 25 dwelling units per acre. However, the City's Zoning Ordinance designates the site as "A" agricultural zone district, which would allow the development of one residence to support agricultural operations, including livestock farming, row crops, ranches, dairies, nurseries, and greenhouses. Under the reuse plan, describe more below, the project site would ultimately be reused for Agriculture production after soil cleansing is complete. The soil clean-up process proposed uses two methods, bioremediation and plants to degrade and extract the pollution. This use of plants to uptake pollution is known as phytoremediation, the use is proven to extract pollutants of concern at this site. This process would require similar nursery, and green house uses, as infrastructure exists on the site to support a plant based clean up methodology.

Bio-remediation is the use and culturing of beneficial organisms within the soils to naturally break down the organic pollutants.

These alternative's would be developed with active farming, nursery, and greenhouse uses to meet the clean-up objective, conversely, requiring no development to fund a yet to be determined expense for contaminated soil removal to allow a residential use of the site. It is likely that new structures would be constructed under this alternative to support proposed uses, and that heavy equipment (e.g., tractors, plows, forklifts) and patented Hydro_Mechanical_Obliteration™ (H_M_O) will be used as part of the soil restoration and dust suppression of site operations. Because the project site would be awarded to a not for profit as trustee of the clean-up of contaminated soils on the site, the City/State environmental liability will be reduced significantly satisfying the underlying objective of the development proposals purpose, to fund the necessary remedial/removal activities.

70-1

ENVIRONMENTAL ANALYSIS

LAND USE

This alternative would result in less-than-significant impacts related to alteration of land uses and land use compatibility because this alternative would continue agricultural uses on the project site. However, activities at the site could be more or less intense compared to previous conditions depending on the specific types of remedial operations that occur in preparing the soil for agricultural use. This alternative would eliminate the project's significant and unavoidable prime farmland impact, as the project site would eventually return use to productive agricultural operations. Although some new buildings would be constructed for laboratory analysis of soil health and reclamation of pollutant uptake in plants, these buildings would support ongoing agricultural operations and, therefore, would be consistent with land use and zoning designations for the site.

VISUAL RESOURCES

This alternative would result in a, reduced, to; a no change: in the overall visual character of the project site and surrounding area under this alternative.

AIR QUALITY

This alternative would result in reduced construction-related air quality impacts compared to the proposed infill development projects because less construction (e.g., construction of buildings to support agricultural operations on portions of the site) would occur. This alternative would not result in substantial long-term vehicle emissions because no new residences are proposed. However, the Organic Soil Remediation Alternative to the Proposed City of Santa Clara Summerhill homes infill project would result in operational emissions associated with farming activities, including emissions from farming equipment (e.g., tractors, plows, trucks). These emissions are anticipated to be substantially different from past operations because past operations have used conventional fuels to power the farm equipment. Under this plan power equipment will use alternative fuels, (bio-diesel, natural gas, or clean electricity) in the full use (i.e., farming) of the project site, which is anticipated to occur in the remediation and subsequent agricultural reuse. Therefore, this alternative would result in less-than-significant air quality impacts and these impacts would be less than the proposed infill project.

NOISE

This alternative would reduce the construction-related noise impacts of the proposed infill project because fewer construction activities would occur (e.g., construction of buildings to support agricultural operations). Noise associated with onsite power equipment and daily activity could reach high levels for brief periods of time. These noise levels could potentially exceed the City's maximum acceptable exterior noise standard of 75 dBA at nearby adjacent residences. Operational noise would be most likely to exceed City noise standards when operating close to the edge of the property near adjacent residences. This noise impact would be potentially significant; however, implementation of mitigation measures similar to those recommended for the proposed infill project would reduce the noise-related effects of these activities. Although impacts would be reduced with implementation of mitigation, it is unknown whether this measure would reduce noise levels associated with proposed activities to a less-than-significant level until actual measurement occurs and mitigations are investigated and analyzed.

Therefore, this alternative could result in a new potentially significant and unavoidable noise impact that would be experienced as a result of the alternative project.

BIOLOGICAL RESOURCES

This alternative would result in a level of biological resource improvements compared to the proposed infill project. Because the project site soils will be inoculated with beneficial fungus and healthy soil organisms in concert with specific vegetation to remediate the soil pollution, soil health will be improved significantly. It is also likely that fewer trees would be removed from the project site under this alternative.

HAZARDS AND HAZARDOUS MATERIALS

Construction-related hazardous material impacts would occur with construction of structures to support agricultural operations. Because the site would be reused for farming operations aimed at remediating the legacy of hazardous material left behind, such as pesticides and fuels, the state and city would collectively meet their primary trustee obligation; of protecting the health of the public and the environment by limited disturbance of contaminated soils which would be remediated on-site under this alternative proposal. Although the site would remain fenced and access restricted to properly trained workers, wildlife and domestic/feral cats will still be able to access areas and come in contact with hazardous materials or tainted rodents, which could result in potentially significant exposure impacts or transportation of dusts or material offsite. This soil contamination of past pesticide and fuel use on the site could cause adverse health effects if workers and wildlife are exposed. This would be a new potentially significant impact if personal protection and other mitigation measures were not addressed

70-1
Cont'd

prior to the remediation of the site.

Further, this alternative would continue to support structures that may contain hazardous Materials, including PCBs, asbestos, and lead-based paint. Although these structures would not be demolished, it is likely that they would be used to support onsite operations and could expose workers to hazardous materials. This would be a new potentially significant impact for this alternative, which must be addressed by proper personal protection/hygiene, removal/abatement of lead paint or encapsulation.

EARTH RESOURCES

Any new structures constructed at the site would be designed in accordance with current UBC design standards. However, none of the onsite structures are designed to meet current seismic design standards and could experience substantial damage in the event of an earthquake and expose workers to unsafe conditions. This would be a new potentially significant impact for this alternative, which may require significant fiscal resources to address if community based fiscal support is stretched or lacking.

HYDROLOGY AND WATER QUALITY

This alternative would result in decreased hydrology and water quality impacts compared to a proposed infill development project, because a majority of the site would remain unpaved or uncovered. This alternative is not anticipated to substantially increase stormwater volumes from existing conditions and, therefore, would not generate stormwater volumes that would exceed the capacity of the City's storm drainage system. Construction and bio-remediation operations at the site would result in limited ground disturbance unsimilar to the proposed project. This ground disturbance could lead to onsite or offsite erosion; however, mitigation practices widely adopted in construction would address the measurable elimination of any offsite sedimentation or erosion by wind or flows of storm water or other flows via a zero exposure program developed and donated in perpetuity by CAMCO Inc. This alternative will address the past use of pesticides and fuel contamination, which have tainted onsite soils and percolated to groundwater beneath the site. This alternative organic soil-cleansing project would address the long-term potential environmental liability facing the responsible agencies associated with the current proposed project of infill housing.

PUBLIC SERVICES AND UTILITIES solar/alternative fuel/power option

This alternative would result in similar or slightly reduced public service and utility impacts compared to the infill project. Under this alternative, services including police and fire protection would not be substantially affected; electricity, natural gas, water and wastewater service would be required, but at reduced levels compared to the infill project. This would be a less-than significant impact, which will be further reduced when and if Solar or other power generation is made from onsite fuel production technology such as bio methane or methanol.

TRANSPORTATION

This alternative would result in a reduction in trip generation on the project site because no housing is proposed. It is likely that there would be an increase in the number of vehicles traveling to and from the site on a daily basis. These trips would be fewer than with the proposed housing project and, therefore, would have a less-than-significant impact. Further, this increase is not expected to result in a significant cumulative effect. Because the Valley Transit agency, (public transit) terminal is located across the street visitors and workers would be encouraged take public transit to the site further reducing air quality impacts.

CULTURAL RESOURCES

Remediation activities at the site could potentially uncover previously undiscovered cultural resources. Since there will be limited construction any areas of construction can be probed for cultural significance allowing construction to occur elsewhere preserving the area when the time allows for the archeological findings to occur. Therefore, this alternative would result in

70-1
Cont'd

no cultural resources impacts.

POPULATION AND HOUSING

This alternative would not result in any of the project's less-than-significant population and housing impacts as no proposed homes would be constructed. However, this alternative would not provide additional housing within the City.

HISTORICAL PRESERVATION

Under this re-use plan the historically significant events tied to this location will be highlighted and preserved for posterity. Preserving such an important piece of land and putting it into production serves homage to those that have been part of past projects of significant history tied to the state of the Valley itself. Historical preservation is an impact that is immeasurable.

ABILITY TO MEET Clean-Up OBJECTIVE

Implementation of this re-use alternative would meet the City/State objectives related to protection of the public's health and environment; and new jobs creation.

70-1
Cont'd

Cameron Colson
13851 Raven Court Saratoga CA 95070
408-374-4935

LETTER 70

Cameron Colson

April 20, 2006

70-1

The commenter provides an analysis of a re-use alternative for the Project Site. It is unclear how this analysis relates to the analysis presented in the DEIR. It appears the commenter is providing analysis of a modified re-use alternative. The DEIR evaluated an alternative in Section 7.3, “No Project Alternative – Current Zoning,” that would allow for agricultural operations to continue at the Project Site. In response to comments received on the DEIR and Recirculated DEIR, a variant of the No Project Alternative – Current Zoning was evaluated that considered implementation of a small farming operation on the Project Site (see Master Response 6 – No Project Alternative – Current Zoning [Small-Scale Farming variation]). Neither the No Project Alternative – Current Zoning nor its variant (i.e., Small-Scale Farming variation), would be environmentally superior to the project, because either would result in its own set of significant environmental impacts including the potential exposure of residents to new significant noise sources (e.g., farming activities) that could exceed the City’s noise standards. Also, they could result in potential seismic-related hazards because existing on-site buildings are not designed to meet current safety standards. Further, this alternative (and its variant) would not meet any of the City’s or State’s project objectives.

**Bio-Remediation is the best solution to improve the quality of
life in Santa Clara.**

**Comments / Concerns on Proposed Redevelopment;
Bay Area Research and Extension Center
90 Winchester Boulevard**

Healthy soil grows healthy food and promotes healthy air and cleans water.

My Name is Cameron M. Colson. I am a native and resident of Santa Clara County in an emerging business of enabling environmental technologies for economic benefit and regulatory compliance. For the past two years as I have been involved with BAREC, I have taken a crash course in local politics, bureaucratic red tape, psychology, community involvement, and thankfully soil health and the benefits it can have on the human experience. The importance of the life in the soil is key to a quality life and the overall health of all things.

71-1

As a father of two young children with senior parents and as a hazardous materials industry technician, the control and degree of hazardous materials clean up concerns me deeply. I understand the risks associated with the potential pathways of exposure to toxic material. In my training at NASA Ames, the government has the responsibility to prevent harms; the order of business is life, environment, and property. This is the order in which the City/State must address the issues left behind by the former user of BAREC the UC Agricultural department. Compare a similar issue, Donald Rumsfeld and the Department of Defense (DOD) cannot escape environmental liability, so too is the case here.

This response is a blanket comment, a general message to the proposed development/clean-up plan(s) submitted by the city, state, developer, and Methodist Retirement Foundation. My perspective, inspired by disbelief, of the actions of the state consultant, city council, developer employees, and proponents of putting senior housing over contaminated soil. My amazement continues by the lacking of any moral compass coupled with the apparent intentional incapacity by those who should. BAREC was a research center for agricultural and especially from the 1950's through the 1970 heavy chemicals were used on all such facilities. How can the reports author exclude or presume that 20 years of critical information is unimportant to the site investigation? This glaring omission is especially disturbing when evidence of pollution found onsite does not jive with the records used to substantiate the assumptions for the site investigation and due diligence. The high number of cancers in the BAREC neighborhood (42 out of 168 homes or 25 percent have had cancer and is just preliminary research) is a sign that cannot and should not be ignored as relevant to the inquiry by these above mentioned parties.

71-2

To further add to my dismay, the documentation I reviewed can be refined down to one simple thing: what is an acceptable risk in developing this site for residential use? The understanding I have in reviewing the draft remedial proposal is that the risks to health are fiscally based and the process to determine the level of soil remediation is assumptive.

In short the assumptions of health effects and environmental impact are fiscally based and ultimately have no scientific substance to predict the long-term risks to the community at large. There simply is no way to predict the long-term risks to the community.

To simplify: it appears that someone did not do his or her homework. Pesticides are industrial pollutants, chemicals and unintended byproducts of combustion and industrial processes. The legal definition of pesticide is an "economic poison". The term pesticide encompasses a variety of different types of chemicals including herbicides, insecticides, fungicides, and rodenticides, among others. Identified pesticide chemicals found on the site are still toxic, clearly are persistent, will bioaccumulate in humans, have the potential for transgenerational human mutation, are known cancer causing agents, and readily transport atmospherically with dust; in sum the residue of agricultural chemicals collectively represent a real and potential public health threat. Contaminated dust is just one of the environmental concerns with disturbing soils associated with the plans to develop this site with housing.

Although not all pesticides are considered persistent, many of them are defined as persistent organic pollutants, including aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzenes, mirex and toxaphene. A number of the pesticides listed above and high levels of arsenic have been found on the BAREC site. These products above have been banned, cancelled or severely restricted due to their persistence and health effects. Persistent pesticides pose a threat to the well-being of human health and environment. Persistence is defined as a half-life in soil that is greater than six months and in water that is greater than two months.

Contaminated soil is a matter of immediate concern; there is an increased awareness of the danger of these compounds being liberated with the soils in and around this urban area and the community is clearly concerned. The importance in reducing and eliminating persistent toxics globally has prompted many to innovate with alternative means, others such as myself have focused on the remediation of these products tainting soils or contaminating waters.

The objective of this written comment is to identify a solution to serve the greater good over the long term. The remedial opportunities for cleaning up contaminated soils and waters utilizing proven solutions have been overlooked by the state in it's rush to get to the bank. A draft alternative submitted separately addresses this possibility at 90 Winchester Blvd.

This outline examines the route to meet the future site use objective of the community via implementation of an insitu/onsite remediation of legacy products left by the past use of agro petro chemicals.

TITLED: Alternative to the Proposed Santa Clara Gardens Development Project

**Re-Use ALTERNATIVE – MAINTAIN CURRENT ZONING
REMEDIATION THEN RE-USE, A PLAN FOR THE GREATEST GOOD**
By Cameron M. Colson friend of BAREC

71-2
Cont'd

In this plan the function of plant uptake of pollution and the inoculation of soils with beneficial organisms will resolve the problems currently found at this site and not leave some of the problems as the current remedial plan allows. The long-term use of the site is desired to support urban agriculture and serve as a hub for home gardening and sustainability studies. There are ranges of ideas discussed by and within a group known as SAVEBAREC.

These plans have achievable goals of supporting alternative methods of agriculture production, restoration of soils, historic preservation, alternative power, community involvement, and jobs creation. The community has a strong desire, necessary support mechanisms including funding, experience, and connections to provide a solution to the soil pollution problem. The community group is also committed to working with the state to draft the necessary documentation necessary to assume the role of caretaker and steward of the sites clean up and reuse.

The group can be contacted:
Via web <http://www.savebarec.org>

Submitted by:
Cameron M. Colson
13851 Raven Court
Saratoga CA 95070
408-374-4935

71-2
Cont'd

LETTER 71

Cameron Colson

April 20, 2006

- 71-1** The commenter provides his opinion for why the Project Site should remain in open space, expresses concern regarding remediation activities, and attaches an evaluation of a proposed alternative to the project (included as comment letter 70 to which other responses are provided). The project's agricultural/open space and hazardous material impacts were evaluated consistent with the requirements of CEQA in Sections 4.1, "Land Use and Agricultural Resources," and 4.6, "Hazards and Hazardous Materials," of the DEIR. Please see Master Response 4, Section 3.4.4, "Use of Phytoremediation/Bioremediation to Remediate On-Site Soils", which discusses bioremediation. The DEIR evaluates an alternative that contemplates keeping the Project Site as open space (see Section 7.1, "No Project Alternative – Continuation of Existing Conditions"). As described in Section 7.8, "Environmentally Superior Alternative," of the DEIR, this alternative was identified to be environmentally superior to project; however, this alternative would not meet any objectives of the project including providing single-family and affordable senior housing to meet the City's housing shortfall.
- 71-2** The commenter appears to express concern regarding the health risks associated with the project. Please refer to Master Response 4, Section 3.4.3, "Preparation of a Health Risk Assessment."

From: <samccray@aol.com>
To: <vlasky@dtsc.ca.gov>
Date: 4/20/06 6:13PM
Subject: BAREC RAW Comments

Dear Virginia & Gloria,

Here are my comments to the RAW and EIR for the BAREC property in Santa Clara. I am attaching a copy to be downloaded as well as posting it below. Please confirm receipt of this document. Thank you very much.

April 20, 2006

Ms. Virginia Lasky
DTSC Project Manager
700 Heinz Avenue
Berkeley, CA 94710

Re: Bay Area Research & Extension Center
90 North Winchester Boulevard
Santa Clara, CA 95050
RAW

Dear Ms. Lasky,

I worked at the BAREC site from 1992 until it closed. During that time I had the opportunity to learn a great deal about the property, especially from the visiting researchers that worked there for decades. I saw first hand the results of the chemicals used on the property with multiple patches of soil without plant life.

72-1

After reviewing the RAW, I am concerned that the report relied on the latest generation to use the property. The chemicals in question were banned prior to 1980 yet neither Garrison or Elmore worked on the site much before that time and their research did not involve those chemicals. Dr. Harivandi's research with turf did not include the use of herbicides of this sort.

72-2

I would like to suggest that you contact Professor Michael Freeling, at the Plant & Microbial Biology Department at UC Berkeley. His specialty is Maize genetics, having conducted most of his research at BAREC for many decades. You might want to ask him about his first encounter with planting corn on the property and the percentage of germination and failures he had with the research.

72-3

Dr. Robert Raabe, Professor Emeritus in the Ecosystem Sciences at Berkeley, was researching on the property in the 1970's and perhaps even before. Dr. Raabe has a clear understanding of what the soil situation was at BAREC. His experiments included oak root fungus and involved inoculating the soil with that organism.

During the late 1940's, 50's and 60's it was common practice to bury un-used chemicals and I feel strongly that there are numerous burial sites at BAREC, although I find no clear record.

72-4

Another point concerns the method of mitigation for the existing contamination. You are no doubt aware of the numerous cancer cases in the immediate area. Disturbing the soil will only further agitate the situation. While it may be appropriate for occasional use of a contaminated property, homeowners will need to be informed as to the total contamination and the effects of long term exposure. Fragile seniors are more sensitive and susceptible to stress and illness due to exposure to chemicals – shouldn't this be a concern for the developer and something they need to consider?

72-5

These are serious issues that Rachael Carson addressed in her book Silent Spring, published in 1966. Her extensive research showed that Dieldrin moved through the soil via water and can be found at depths in excess of ten feet. Why has your report focused on only two chemicals? My Father worked at FMC in the 1950's. FMC was building farm machinery some of which was tested at BAREC, this included a wide variety of equipment for applying a variety of chemicals into and around an orchard and farm.

72-6

The University has a long standing policy of a committee to review all proposals for research and to publish the results of that publicly funded research. I would like to ask that you secure those documents from the appropriate UC authority and make that research available. We need to know all the research and soil history in order to make an unbiased informed decision regarding the property and its possible uses.

72-7

Both wells on the property need to be tested thoroughly for any contaminants: just because they are no longer used does not mean they are safe. You might recall that issues pertaining to percolates and other contaminants entered our local headlines only after the water wells were examined

72-8

Finally, why was DVP & Associates used to prepare the RAW? Isn't Dan Potash the owner of DVP and staff to the state in charge of selling BAREC for the State? Isn't that a conflict of interest?

72-9

I feel strongly that the work explained in the RAW is incomplete and inadequate for this project. There needs to be more testing for a wider variety of chemicals and contaminants.

72-10

Thank you for allowing me the opportunity to respond to this very important report. Please do not hesitate to contact me with any questions you may have concerning my comments.

Sincerely yours,

Sharon McCray
3767 Xavier Court
Campbell, CA 95008
408-264-9654

Sharon McCray
Daytime telephone: 408-264-9654
FAX: 408-264-3014

CC: <GSciara@ci.santa-clara.ca.us>

LETTER 72

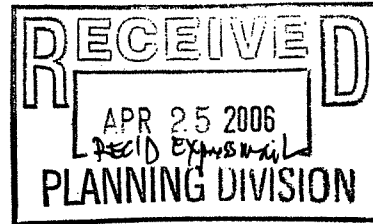
Sharon McCray
April 20, 2006

- 72-1** The commenter introduces herself and states that she worked at the BAREC site and saw the results of chemicals used on the property. The project's hazardous material impacts were evaluated consistent with the requirements of CEQA in Section 4.6, "Hazards and Hazardous Materials" of the DEIR and Recirculated DEIR. Please also refer to Master Response 4. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 72-2** The commenter expresses concern that the RAW relied on the latest generation to use the property. Please refer to Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents" and response to comment 8-4.
- 72-3** The commenter suggests that the City contact former professors that worked at the BAREC property. The specific questions the commenter would like the City investigate are unclear. In preparation of the cultural resources analysis, several former employees at the BAREC site were contacted to understand the past operation of the Project Site. Please refer to Section 4.11, "Cultural Resources," of the DEIR and Master Response 5.
- 72-4** The commenter expresses her opinion that there are numerous burial sites for unused chemicals at the Project Site; however, she acknowledges that there is no clear record of such burials. The project's hazardous material impacts were evaluated consistent with the requirements of CEQA in Section 4.6, "Hazards and Hazardous Materials." As described therein, there is no evidence that unused chemicals have been buried at the Project Site. Please also refer to Master Response 4.
- 72-5** The commenter expresses concern that development of the site may cause contaminants, such as dieldrin, to become airborne and questions the impact this may have on the local population. The project's hazardous material impacts were evaluated consistent with the requirements of CEQA in Section 4.6, "Hazards and Hazardous Materials." As described therein, the DEIR concluded that the project would result in less-than-significant impacts from construction and remediation activities because adequate mitigation would be in place through the RAW to prevent the release of substantial contaminants to the air. Please refer to Master Response 4, Section 3.4.2, "Potential Health Impacts of Remediation Activities, Including Airborne Dispersal."
- 72-6** The commenter questions why the report only focuses on two chemicals. Please refer to Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents," and response to comment 8-4.

- 72-7** The commenter suggests contacting appropriate University of California authorities to find published reports for research and to publish the results of the publicly funded research. The commenter states that all the research and soil history must be known to make an unbiased decision regarding the property. It is unclear what reports and information are being requested and how this information relates to the analysis presented in the DEIR. It appears the commenter is suggesting that additional research be conducted into past operations at the Project Site. Regarding the methodology and research used to evaluate potential hazards at the Project Site, please refer to Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents," and response to comment 8-4. During preparation of the Site Characterization report (see Appendix E of the DEIR), several former employees at the Project Site were contacted regarding their understanding of the historical use of pesticides and chemicals at the Project Site. This information was then summarized in the Site Characterization report and submitted to these individuals to confirm the accuracy of the information. As described in the report, detailed records of the use of pesticides at the Project Site were kept beginning in 1979.). DTSC has issued a letter approving the site characterization report (see Appendix D of this document).
- 72-8** The commenter states that groundwater samples from the on-site wells should be tested for contaminants. For a discussion of the methodology used in preparation of the RAW, please refer to Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents," and response to comment 8-10.
- 72-9** The commenter questions why DVP & Associates was used to prepare the RAW and suggests that it is a conflict of interest when DVP & Associates works as staff to the State. No further response is necessary, because no questions or new information regarding the environmental analysis were raised.
- 72-10** The commenter states there should be further testing on-site for a wider range of chemicals and contaminants. Please refer to Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents," and response to comment 8-4.

April 21, 2006

City of Santa Clara, Planning Division
Ms. Gloria Sciara, Project Manager
1500 Civic Center Drive
Santa Clara, California 95050



Re: Bay Area Research & Extension Center
Santa Clara Gardens
Environmental Impact Report

Dear Ms. Sciara,

When I was commissioned by the California History Center at De Anza College to research and write an article about BAREC, I was considered the primary resource of BAREC history with personal knowledge of the property, UCCE use and the Women's Relief Corps. I had also done research on Dr. Antrim Osborne. I first moved to within 4 miles of the property in 1959 and have remained near the property most of my life. It seems odd that was not consulted regarding the history of the site and the EIR..

I respect both Garrison and Elmore and consider them personal friends, however, their experience pertains to the horticulture research on the site while I have original documents that pertain to the history and research. Some are original documents written over the years, including minutes from meetings held in 1950 concerning the importance of the site, 1929 personal notes from Alfred Amstutz and a history written by Amstutz in 1971. Mr. Amstutz was Superintendent at BAREC from 1924 until 1964. I have interviewed his widow on two occasions as well as his son. They have provided valuable and critical insight and history about the property. One of my interviews with Mrs. Amstutz is audio recorded.

I also copies of once confidential correspondence between selected UC staff, discussing BAREC, its importance and the financial arrangements that negated the closing of the station. A 1992 Review of the Division of Agriculture and Natural Resources Field Research Facilities prepared by UC staff noted that..."it is located within a primary population centers of the state, it is projected that serving urban clientele will become increasingly important". To imply that BAREC was closed because it was not longer needed is false.

As a final point of credibility, I worked and volunteered at BAREC from 1992 until it closed. I have personal experience with the integrity of the buildings and had access to many historical documents, including building blue prints and glass plate photos of the property. When the center closed, the whereabouts of these items was never disclosed and to my knowledge, have never been made public or offered as part of a historical collection.

There is no reference in the EIR when the property was annexed into Santa Clara and that it was once in San Jose, the address being 125 North Winchester Blvd, San Jose, 95128

BAREC/Santa Clara Gardens EIR Comments

1

I have chosen only to comment on the Cultural Resources 4.11 aspect of the EIR. The document is too vast for a layman to examine, research and comment on in the limited time allowed "by law". It certainly would seem more accommodating, given the importance of this project, that the community be given some consideration.

73-2
Cont'd

Here are some additional areas I would like addressed:

1. The Holman & Associates October 2002 survey report is not available for reference. Neither is the Ward Hill document. Both of these documents were prepared before the Women's Relief Corp (WRC) and Osborne Hall issues were acknowledged and used as an important part of the EIR. As a matter of record, I ventured to the new Martin Luther King Library and found dozens of relevant newspaper clippings, filed under the Grand Army of the Republic, WRC and not the UCCE site. I prepared copies and made comments to the librarian, who then changed the reference to include the BAREC site. Also, there was nothing in the clippings file in the Santa Clara Library until I personally delivered them to Mary Hamel in the history department in 2005. Both the Holman and Hill reports were prepared without this data. When I informed Santa Clara historian, Lori Garcia, that Osborne Hall had been located at BAREC she was very much surprised.

73-3

73-4

2. A February 8, 2006 meeting with the OHP is referenced but the minutes of that meeting are not found in the EIR. It should be also noted throughout the past several weeks I have made dozens of calls to the Office of Historic Preservation, (OHP), as referenced in the EIR, leaving messages for Gene, Lucinda, Patricia Aubacker, Dwight Dutschke and several others. I am concerned that as a State Agency with a responsibility to its citizens and history, none of my urgent calls were returned.

73-5

73-6

3. The 1887 Map of Santa Clara County moves the site approximately 1 mile north of its real location. The relevance to Stevens Creek Road makes an accurate measurement feasible. Also, it should be noted that on this map, the Sarah Winchester site is not identified, although it is a valuable reference on all future maps. One should also note that Sarah Winchester purchased her 45 acre parcel in June of 1886 yet it is not noted on the map.

73-7

4. On page 4-130 under Private Use, the year 1887-1887 is used. Please clarify. Because of the mystery surrounding the Winchester rifle, the Civil War and the settling in Santa Clara County by Sarah Winchester, and because of many "presumptions" asserted in this EIR - I would like to assert that Mrs. Winchester's location near BAREC, or vice versa, has relevance to the full story. When the WRC home was destroyed by fire in 1920, it was Osborne who traded his Santa Clara property for the Evergreen Property - it was not the states land per say if it was Osborne's to trade. The connection and restrictive deed pertaining to the transfer is one that needs investigating further.

73-8

73-9

April Halberstadt, another local historian reported in an email to me dated March 21, 2005, "In the case of our Dr. Osborne, there seem to be several dozen properties titles

73-10

that need to be checked out. After just a cursory search, it looks like Dr. Osborne would commit people to his sanitarium if they (or their family) signed over their assets to him. He would then sell their property, hopefully to finance their care and welfare". She goes on to say, "Before World War II, deeds were not recorded until the purchase price was completely paid, so the new owner recorded a "deed of trust" that was really his purchase contract and received title some years later when it was fully paid". With this said, the conclusions regarding the title to the parcels as noted in the EIR remain in question.

73-10
Cont'd

A Title Report prepared Chicago Title noted that there were four deeds to the original 18 acre parcel and that Dr. Osborne deeded them to the State in 1920. They were 8, 3.43, 3.57 and 3 acres parcels totaling 17.14 acres. Two new deeds 12.24 and 5.98 acres clearly show exactly where the WRC home was located, having excluded the Department of Veterans Affairs .543 acre parcel.

73-11

One point to this detail is that State Statue, SB 1426, Chapter 337 (1951) states that the land belongs to the "jurisdiction and control of the Department of Veterans Affairs". I understand this to mean that the land rightfully belongs to the California DVA. Have they be involved with the properties disposition and future. Was this issue addressed with the DVA and if not, why? To my understanding, the reference to return the property to the "state" implies the DVA, its original owner.

73-12

5. The Polk-Husted Directory of 1889-1890 is referenced. The address for the Children's home, operated by Osborne is not listed but there is an advertisement clearly stating that the home is located on Santa Clara-Los Gatos Road near "Winchester Station".

73-13

6. Dr. Osborne moved with his patients to the Sonoma facility in 1891. His father-in-law was in fact a Civil War Army Officer. They worked diligently on behalf of veterans from all wars. Reference to the relationship with the California Association for the Care and Training of Feeble-minded Children can be found on at www.disabilityhistory.org

73-14

7. Reference to the "sidewalk remnants" from the WRC home is minimized in the EIR and should be investigated further. Aerial maps located at the San Jose Library clearly show where the buildings were located and their proximity to the current structures. There are no structures at many of our valued national and state historical sites and a simple "sidewalk remnant" would be a truly valued treasure: why is it being minimized here?

73-15

8. No reference is made to the importance of the strawberry research done on the property to the Japanese American Community. The research increased as the internees returned to Santa Clara Valley after World War II, hoping to reclaim their farms and orchards. UC worked hard to help this community recover from our nation's ignorance: to ignore or gloss over this important detail is inexcusable.

73-16

9. According to the historical documents I have, UC moved onto the site prior to 1924, not 1928 as stated in the EIR. No mention is made of the shop area that was built

73-17

before the research building. The greenhouses were built in 1968 not 1970's as the EIR states. The EIR statement that only two of the buildings are over 50 years in age – the statement should read that the two most important structures on the property are over 80 years old. The integrity of these structures is not acknowledged in the comments and needs to be addressed. These are two, very structurally sound buildings. They survived the 1989 Loma Prieta Earthquake without damage. They are constructed of heart redwood taken locally from Saratoga and designed by UC Davis architectural students in 1924. According to Paul Duchscherers April 19, 2006 letter (attached) "I believe that the existing buildings on the site possess both historic and architectural merit and these should be preserved and adaptively reused as integral parts of the site's new uses". Mr. Duchscherer is a historian and author of several books with a specialty in historic building projects.

73-17
Cont'd

10. Dr. Ali Haravandi's name is spelt wrong on page 4-134.

73-18

11. The EIR states that the property does not qualify at a "Rural Historic Landscape" and chooses to minimize the importance of agriculture to both the State and County. To overlook this critical importance of the research done on this property is to overlook HP or Apple Computers while talking about our valleys computer chip history. In the description of the property the one acre apple orchard is not mentioned or commented on. I feel strongly that these points alone verify that this property does in fact, qualify as a "Rural Historic Landscape" and if anyone would ever call from the OHP to discuss these matters, they would agree. The site has not been completely "modified" as the EIR states – it was a research farm and farms are living viable changing forms: basing the comment that it does not qualify is not realistic.

73-19

The EIR does not address the CIMIS weather station that operated on the site for many years. The importance of this data to agriculture is still needed.

73-20

12. Regarding the California Historical Landmark comments, the importance of this property can be compared with the UCCE research facility in Kern County, approved by as having historical value by OHP in 1997. The Shafter facility is 120 acres and was established in 1922. Because this property is in a rural part of the state and therefore not as valuable as the BAREC site, it can be assumed that the decision to established historical value had more to do with the value of the land rather than the work being done.

73-21

13. BAREC performed research in an area that affected home gardeners while the other UC research facilities focus only on the commercial agriculture industry. The importance to the home gardener of the research done at BAREC has been overwhelming. The research at BAREC has evolved to meet the needs of the community: for every commercial farmer that moved south dozens of homeowners took their place. The EIR does not address the importance of this research on the use of water wise plants, the reduction of pesticide and herbicide use, the prudent horticultural practices that have changed agriculture in California as a whole and are a vital part of our state and nations agricultural success and independence. Until the researchers at BAREC addressed the pollution caused by the farmers burning the pruned wood from area

73-22

orchards, it was an issue that affected the entire nation: because of BAREC research, the term “mulch” came to include the shredding and returning to the source, the valuable material plus the air we breath is much healthier for all of us.	73-22 Cont'd
14. The criteria as listed in the designation for California Historical Landmarks noted in the EIR can all be answered a resounding “YES”. The BAREC property meets all three criteria – most significant of its type in the state, associated with a group having a profound influence on the history of California (both Agricultural research and WRC) and finally, an outstanding example of a period style. I doubt that the EIR has located within Santa Clara County any other property with a shop structure or research building in tact. Because of the military use of the property (Grand Army of the Republic, WRC and Veterans) the military presence should not be overlooked.	73-23
Because the WRC home was a woman’s facility that accommodated Civil War widows and daughters of Union soldiers, the importance of BAREC to both those communities should considered. The importance of the WRC home is relevant mainly because of the critical role that California, our gold and silver and our 16,000 plus soldiers played in our nation’s history; this history needs to be brought beyond the Mississippi River.	73-24
15. The EIR states that “Subsurface foundations, privies, cisterns or other features relating to the earlier uses of the property may also exist”. The county historical community would be interested in learning more about this remark.	73-25
16. EDAW performed a December 12, 2005 site visit. This report should be made available for review.	73-26
17. Garrison's comments were taken out of context and need to be clarified. Because Garrison is an organic gardener it can only be presumed that during her research at BAREC she used organic methods. Her knowledge to horticulture is second to none, however, her experience with dieldren, DDT, chlordane and other banned chemicals is relatively non-existent.	73-27
Based on the research with pear and walnut blight, oak root fungus, it is reasonable to determine what other chemicals might have been used.	73-28
The EIR should include comments from former UC employee, Tom Ketchum, who was working on the site during the time when those chemicals were used. Mr. Ketchum should also have knowledge about the WRC buildings as he was on site immediately after their removal. Dr. Robert Raabe, Professor Emeritis from UC Berkeley was working on the site prior to 1955 and still had research plots on the property well into the 1990’s. Both of these researchers would have valuable comments regarding the property, use of chemicals and value of the research. Leo Dumont worked in the fields of BAREC for many years and is considered the “hands on, in the field” source of information.	73-29
18. Ann Scheuring is not correct in her statement that “the station did not play an important role in California”. Hundreds of critical research papers published worldwide have become the standard. By downplaying the importance of BAREC to California’s	73-30

rich agricultural history, the authors only diminish the credibility of the EIR document as a whole. Research at the station resulted in worldwide recognition for UC and established its researchers as leaders in the nation's agricultural community. There are literally hundreds of US patents associated with BAREC further validating the importance of the research. The EIR point that the facility at Berkeley is interesting as it is not mentioned anywhere on the UC website nor is it listed as one of the remaining Research and Extension Centers: the EIR data is flawed on this point.

73-30
Cont'd

19. There are assumptions regarding the importance of senior housing in Santa Clara. The EIR should take into consideration that the property is bordered to the North by the City of San Jose. Santa Clara's total acreage is minimal when considering the total acreage of the County. The City of San Jose's comments are not made a part of the EIR document and should be. The traffic congestion on Winchester and Stevens Creek Roads are grossly understated.

73-31

20. Other issues that concern me and need to be addressed more thoroughly, include the sewer system and its ability to support the proposed housing. The impact of the loss of water to our aquifer: water we have depended upon to replenish this valuable resource. Are there any considerations being given to the loss of habitat essential for the biodiversity of our animal communities, including birds, butterflies and insects? Santa Clara does not have a hospital and the additional housing will create burden on the City of San Jose and County as a whole. No mention is made of the hundreds of school children that will no longer be able to utilize BAREC for field trips and the educational benefit to students from local colleges and universities.

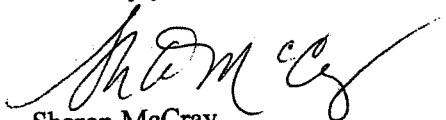
73-32

73-33

These then are my comments based on the brief opportunity I have had to disseminate the abundance of information, correct and incorrect, noted in the EIR prepared for the BAREC property. Changing the name to the Santa Clara Gardens project does not change the fact that this property was for over 80 years a UC research center that affected the people and economy of California and the world – to loose site of this critical point is to bury history itself.

73-34

Sincerely yours,



Sharon McCray
3767 Xavier Court
Campbell, CA 95008
408-264-9654

LETTER 73

Sharon McCray
April 21, 2006

- 73-1** The commenter provides her professional background and explains that she has research and historical information pertaining to the site. The commenter states she also should have been consulted prior to preparation of the EIR. EDAW carried out those consultation steps required by CEQA. EDAW was not aware of the commenter's connections to the site. The comments are included in the EIR, and will be part of the record available to the City. Regarding disagreement with the conclusions presented in the DEIR, please refer to Master Response 2.
- 73-2** The commenter states the old address of the property, before it was annexed to Santa Clara from San Jose. This information was included in the historical research performed for the Project Site and does not alter the conclusions presented in the DEIR. No further response is necessary, because no question or new information regarding the environmental analysis were raised.
- 73-3** The commenter states that two survey reports, the Holman & Associates' October 2002 survey and the Ward Hill document, are not available for reference. The commenter also states that both reports were prepared before the Women's Relief Corp (WRC) and Osborne Hall issues were acknowledged and used in the EIR. The two cited reports are located in Appendix L of the DEIR and are referenced throughout Section 4.11, "Cultural Resources," of the DEIR.. The Women's Relief Corp (WRC) and Osborne Hall buildings are analyzed in Section 4.11, "Cultural Resources," of the DEIR (see page 4-130 through 4-135). All reports or other documents referenced in the DEIR or FEIR are available for public review at the City of Santa Clara Planning Department.
- 73-4** The commenter states there were a number of newspaper clippings available in the Martin Luther King Library about the BAREC site and that both survey reports (i.e., Holman and Ward Hill) were prepared without this additional source of data. The particular library listed above was not visited. The research performed on the site did include research and review of newspaper clippings. The commenter submitted several newspaper clippings as comments on the Notice of Preparation, which are included in Appendix A of the DEIR. These resources were reviewed in preparation of the analysis presented in the DEIR. Please refer to p. 4-121 of the DEIR for a list of libraries and other sources used to obtain background research information for the cultural resources investigation. Please also refer to Master Response 5, Section 3.5.1, "Methodology Used In Preparation of the Cultural EIR Analysis," for a list of all sources.
- 73-5** The commenter states that the Office of Historic Preservation meeting, February 8, 2006, is referenced in the EIR, but that the minutes of that meeting are not included. Official minutes of the meeting with OHP were not prepared. However, on January 8, 2007, OHP issued a concurrence letter on the DEIR agreeing with the findings and impact conclusions of the DEIR. A copy of this letter is included in Appendix B of this document.

- 73-6** The commenter states she has attempted to contact the Office of Historic Preservation about the historic value of the BAREC site, but with no success. The cultural resource experts who prepared the analysis in the DEIR had extensive consultations with OHP. OHP issued a concurrence letter on the DEIR agreeing with the findings and impact conclusions of the DEIR. A copy of this letter is included in Appendix B of this document. EDAW does not know whether the commenter attempted to contact OHP, and if so, whether the commenter succeeded in making such contact.
- 73-7** The commenter states that the 1887 Map of Santa Clara County map shows the BAREC site approximately 1 mile north of its actual location. She notes it also does not show the location of Sarah Winchester's property. Exhibit 4-12 of the DEIR is intended to document the historic setting of the Santa Clara area and the Project Site's context within that setting. Exhibit 4-12 is an accurate depiction of this setting.
- 73-8** Page 4-130, Private Use. The commenter asks the date 1887-1887 be clarified. This was a typo; it should read 1887-1889.
- Page 4-130, third paragraph, has been changed as follows:
- “Later, for 2 years (1887–1889~~87~~) it joins a much larger property, owned by Henry Titus, but is then reduced back down to the 18-acre Osborne parcel.”
- This change does not alter the conclusions presented in the DEIR.
- 73-9** The commenter questions conclusions of the DEIR regarding historical title to parcels at the Project Site. The commenter also states that Sarah Winchester's residence may be located near the BAREC site. The Project Site is located approximately ½-mile north of the Winchester House. As such the Project Site is removed from the historic context of these sites. Proximity to other historical resources, alone, is not among the criteria for determining historic significance. Please refer to Master Response 5, 3.5.2, “CRHR and NRHP Eligibility Determination.”
- The commenter also suggests a “trade” of Osborne land for the Evergreen Property in some connection to the WRC fire in 1920. Whether Osborne obtained the deed to additional property off the Project Site is unknown; he did not trade, sell or otherwise release part of the Project Site until 1921, when 8 acres in the southeast corner of the Project Site were transferred to the State for \$10 and “other considerations” according to data obtained from First American Title Guaranty Company.
- 73-10** The commenter states a children's home operated by Dr. Osborne was located near "Winchester Station" near the BAREC site. The comment also describes Dr. Osborne's work with veterans and children. The cultural resource experts summarized all available information on historic use of the site, including information related to the ownership and use of the site by the Osbornes'. Please also refer to Master Response 5 and Appendix B of this document.

- 73-11** The commenter references a title report that noted there were 4 deeds to the original 18 acre parcel that Dr. Osborne deeded to the State in 1920. The commenter also states that two other deeds show exactly where the Women's Relief Corp home was located. Historical deed information would not affect the conclusions of the DEIR. The description of the ownership of the site is based on a title report of the property and other research on historic uses there, as described in the DEIR (see Section 4.11, "Cultural Resources"). The commenter states deeds from the 1920s provide additional information regarding the location of buildings on the site, and the transfer of the site, during this period. The deeds were not provided with the comment. The information provided by the commenter is not consistent with the information obtained by EDAW during its research into the history of the property. The comments are generally consistent with the information set forth in the EIR, however, and even if true, they would not affect the analysis or conclusions in the DEIR."
- 73-12** The commenter indicates that State Statute SB 1426, Chapter 337 (1951) states that the land belongs to the "jurisdiction and control of the Department of Veterans Affairs," and questions why the Department of Veterans Affairs was not involved in the project proposal discussions. The land in question is not under the jurisdiction and control of the Department of Veterans Affairs. Further, the Department of Veterans Affairs building located adjacent to the Project Site would not be modified or otherwise affected with implementation of the project. Therefore, oversight by the Department of Veterans Affairs would not be required under CEQA.
- 73-13** The commenter states that an advertisement in the Polk-Husted Directory 1889-1890 provides an address that states Dr. Osborne's children's home was located on Santa Clara-Los Gatos Road near Winchester Station. The DEIR summarizes past historical activities at the Project Site (see page 4-130). Please also refer to Master Response 5.
- 73-14** The comment states that Dr. Osborne worked diligently on behalf of veterans from all wars and provides a website for that references Dr. Osborne's children's home. No response is necessary, because no question or new information regarding the environmental analysis were raised.
- 73-15** The commenter states that sidewalk remnants found in association with the Women's Relief Corp home were minimized in the EIR and should be investigated further. The commenter offers no evidence to support that there is any additional information available regarding the significance of on-site buildings or the on-site sidewalk remnants. All available research materials were reviewed and summarized in the DEIR. Based on review of these materials, the DEIR concluded that the project's impacts to on-site structures would be less-than-significant. While there are remnant features of past activities present at the Project Site (e.g., sidewalk remnants), these features were not determined to be significant resources because none of the uses that are associated with these features meet the criteria for significance that would render the property eligible for listing on the CRHR, identification as a California Historical Landmark, or a California Point of Historical Interest (see Impact 4.11-3, page 4-145 of DEIR). Please also refer to Master Response 2 regarding disagreements with the conclusions of the DEIR.

73-16

The commenter states that no reference is made to the importance of strawberry research conducted at the Project Site and its link to the Japanese American community in Santa Clara County. In response to this and other similar comments, research regarding the importance of strawberry research at the Project Site has been conducted. The results of this research are summarized in Master Response 5. As described therein, available evidence indicates that strawberry research occurred at BAREC that was transferred to UC Davis well before World War II (mid 1930s). The research was part of a complex chain of events leading to development of improved strains of strawberries at UC Davis. The influence of the research at BAREC was quickly subsumed into follow-on research at UC Davis after its transfer, which indicates that UC Davis was the centerpiece location for important research that improved strawberry cultivation in California by all farmers. Available evidence also indicated that approximately one-quarter of pre-war Japanese farmers returned to agriculture (all crop types) after the war. Available information does not indicate what proportion of this post-war agriculture involved strawberries. The research conducted on strawberry research in response to DEIR comments has not altered the DEIR conclusion that the site does not qualify as a historical resource under Section 15064.5 of the State CEQA Guidelines and would not be eligible for the NRHP and CRHR. Therefore, the City has concluded that the project would have a less-than-significant cultural and historic resource impact. Please refer to Master Response 5.

73-17

The commenter states that according to historical documents in her possession, the University of California moved to the site prior to 1924, not 1928, as stated in the DEIR. She states that two structures on the BAREC site are over 80 years old, not 50 years as stated in the EIR. In addition she says that a shop area was built before the research buildings and that the on-site greenhouses were constructed in 1968 not the 1970's as stated in the EIR.

According to information obtained from First American Title Guaranty Company, Osborne deeded the property to the State (not the University of California) in several separate transactions between 1921 and 1924. There are two structures, the office/lab and a shed, that date to 1928, making them 79 years old at the time of this writing. The 1970s date for the greenhouses was taken from the Ward Hill Architectural evaluation report. The commenter does not include any documentation demonstrating the date of construction.

The commenter asserts that the EIR does not address the integrity of the structures and includes a suggestion that they be reused. The DEIR and the Ward Hill report do, in fact, acknowledge both the age and the exterior integrity of the two 1928 buildings. Both the DEIR and the Ward Hill report concluded that the lab/office building and shed retain a high degree of integrity; however, their lack of association with any significant events renders them ineligible for listing to the CRHR or identification as a California Historical Landmark, or a California Point of Historical Interest (see Impact 4.11-3, page 4-145 of DEIR). Please also refer to Master Response 2 regarding disagreements with the conclusions of the DEIR.

73-18

The commenter corrects the spelling of Dr. Ali Haravandi's name on page 4-134. The spelling correction is noted.

73-19

The comment states that the BAREC site should qualify as a "Rural Historic Landscape" and requests that the OHP is contacted to explore the issue further. The Draft EIR includes an analysis of the extent to which the site constitutes a rural historic landscape. (See Draft EIR, p. 4-137.) The analysis concludes the site has been completely modified from its original rural landscape, such that the essentially rural character of the area no longer exists. As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources or the National Register of Historic Places. The OHP was consulted during preparation of the DEIR (meeting held February 8, 2006) and during the preparation of responses to comments received on the DEIR. Based on the discussions held with OHP and the analysis in the DEIR, the City submitted a letter to OHP requesting formal concurrence of the findings of the EIR. The OHP issued a letter concurring with the findings presented in the EIR on January 8, 2007. A copy of this letter is included in Appendix B of this document.

73-20

The comment states that the EIR does not address the CIMIS weather station that operated on the site for many years. There is some evidence that a weather station may have been in operation on the site. California Irrigation Management Information System (CIMIS) is a program in the Office of Water Use Efficiency (OWUE), California Department of Water Resources (DWR) that manages a network of over 120 automated weather stations in the state of California. CIMIS was developed in 1982 by the California Department of Water Resource and the University of California at Davis to assist California's irrigators in managing their water resources efficiently. The weather station network was developed in 1982. The Project Site may have been part of this network. However, CIMIS no longer operates a weather station at the Project Site and no traces of equipment remain. The only weather station in operation in Santa Clara County is a weather station at Morgan Hill. Further, because of its age (less than 25 years old), because it was one of many in a large network of stations that operated throughout California, and because it was not active during the period of historic activities at the site (i.e., greater than 45 years ago), the weather station does not represent a significant historic resource.

73-21

The comment discusses the UCCE research facility in Kern County (i.e., Shafter Research Facility) approved by the OHP as having historical value in 1997. The commenter states that if this facility was granted historical value, then the BAREC facility should, too. The significance of historic resources on different properties is evaluated separately, based on the individual characteristics and merits of each place. The criteria for eligibility to the California and National registers do not include comparison to other facilities in other regions. The fact that the Kern County property conducted University of California research, as did the BAREC facility, would not influence historic significance of the Project Site. Please refer to Master Response 5, Section 3.5.2, "CRHR and NRHP Eligibility Determination," for a discussion of why activities at the Shafter Research Facility made significant contributions to California's cultural history.

73-22

The commenter discusses previous research conducted at the BAREC site and its relevance to agricultural and home gardening practices. The commenter asserts that research at BAREC eventually turned to horticulture for homeowners rather than commercial agricultural practices. This was acknowledged in the DEIR and further research regarding this subject has been completed in the interim, particularly concerning the development of grass varieties by Dr. Ali Haravandi. The commenter asserts that BAREC was the only experimental station developing plantings or techniques for private homeowners but offers no evidence to substantiate the claim. Further, no evidence was uncovered during the substantial research conducted for the DEIR or in response to comments on the DEIR and Recirculated DEIR that indicated that horticultural practices developed at the Project Site substantially contributed to and benefited private homeowners.

73-23

The commenter states that the Project Site fulfills all three criteria listed in the designation for California Historical Landmarks, in disagreement with the conclusions of the EIR. The comment offers no additional evidence, beyond what is presented in the EIR analysis, but suggests a different conclusion should be reached. CEQA requires that decisions regarding the significance of environmental effects addressed in an EIR are made based on substantial evidence, with recognition that other interpretations may exist. When commenters disagree about environmental conclusions, the EIR can acknowledge that disagreement, but it need not resolve all debates, as noted in Section 15151 of the State CEQA Guidelines. The lead agency will ultimately determine which conclusion is appropriate, based on evidence presented in the EIR and other documents in the record. Please refer to Master Response 2. The commenter cites the presence of intact structures on the site in support of the conclusion that the site fulfills the criteria for designation as a California Historical Landmark. The EIR includes an analysis of the significance of all on-site structures, including the shop structure and research building. (Draft EIR, pp. 4-142 – 4-144.) The commenter's disagreement with the conclusions of this analysis is noted.

The commenter cites the history of the site, particularly with respect to the WRC home. The WRC home is no longer present on the site; the structure was demolished roughly 40 years ago. The DEIR analyzed the extent to which this history qualified the site has an historic landscape, and concluded the site does not qualify. (DEIR, p. 4-142.) The commenter's disagreement with this conclusion is noted. Please refer to Master Response 2. The commenter does not cite facts in support of this opinion. Thus, this comment appears to be based on the same set of historical facts, and represents a difference of opinion regarding the application to those facts of the criteria for historical landmark status.

73-24

The commenter states that the importance of the Women's Relief Corp home to civil war widows and daughters of Union soldiers should be considered. The project's impact to historic resources was fully evaluated in conformance with Section 15064.5 of the CEQA guidelines, including related to this question. The results of this analysis are presented in Section 4.11, "Cultural Resources," of the DEIR. The DEIR's analysis of the Women's Relief Corps buildings is set forth at pages 4-132 through 4-133 and 4-142.

- 73-25** The commenter states that the "subsurface foundation" and other features referenced in the EIR are of interest to the historical community. This reference in the DEIR acknowledges that some remnants of past structures may be present beneath the ground surface. Mitigation measure 4.11-2 addresses the potential for uncovering previously undiscovered cultural resources. While there are remnant features of past activities present at the Project Site (e.g., sidewalk remnants), these features were not determined to be significant resources because none of the uses that are associated with these features meet the criteria for significant that would render the property eligible for listing on the CRHR, identification as a California Historical Landmark, or a California Point of Historical Interest (see Impact 4.11-3, page 4-145 of DEIR). Further, OHP issued a letter concurring with the findings presented in the EIR on January 8, 2007. A copy of this letter is included in Appendix B of this document.
- 73-26** The commenter requests that the report from the EDAW site visit December 12, 2005 is made available for review. The results of the site visit are summarized in Section 4.11, "Cultural Resources," of the DEIR. Supporting documentation, reports, and research are included in Appendix L of the DEIR and Appendix B of this document.
- 73-27** The commenter states that the authority quoted for on-site dieldrin, DDT, etc. was an organic gardener with little knowledge of banned chemicals. Ms. Garrison was not the sole source of information regarding use of chemicals at the site. For a description of research performed to determine historic use of chemicals at the site, please refer to Revised Draft EIR, chapter 4.6, and Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents."
- 73-28** The commenter states that it is possible to determine the chemical materials used on-site based on the research conducted for pear and walnut blight. Please refer to Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents" and response to comment 8-4.
- 73-29** The commenter recommends people who have worked on the site in the past as sources of information about chemicals used on the site. In preparation of the Phase II Site Characterization Report (Appendix E of the DEIR) several former employees of the Project Site were contacted to receive information on the past uses of the Project Site. Please also refer to Recirculated DEIR Chapter 4.6, "Hazards and Hazardous Materials," and Master Response 4, Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents."
- 73-30** The commenter states that Ann Scheuring is incorrect in her statement, referenced in the DEIR, that "the station did not play an important role in California." The commenter states that the importance of BAREC in California is downplayed in the EIR. CEQA requires that decisions regarding the significance of environmental effects addressed in an EIR are made based on substantial evidence, with recognition that other interpretations may exist. When commenters disagree about environmental conclusions, the EIR can acknowledge and summarize that disagreement, but it need not resolve all debates, as noted in Section 15151 of the State CEQA Guidelines. The lead agency will ultimately determine which conclusion is appropriate, based on evidence presented in the EIR and other documents in the record. Please refer to response to comment 73-23 and Master Responses 2 and 5.

- 73-31** The commenter raises the issue of the necessity for additional senior housing in the Santa Clara area. The Recirculated DEIR considers the potential for locating the Proposed Project at another site. (See Revised DEIR, pp. 7-38 – 7-39.) The analysis concludes other sites suitable for the Proposed Project are infeasible. The objective to provide senior housing in the area is a legitimate project objective for CEQA purposes.
- 73-32** The comments states that traffic congestion described in the EIR for Winchester and Stevens Creek Roads are understated. The commenter offers no evidence to support that the impacts and analysis presented in the DEIR are inaccurate. Please refer to Master Response 2 and 3. The project traffic impacts were evaluated consistent with the requirements of CEQA in Section 4.10, “Transportation and Circulation,” of the DEIR and the Recirculated DEIR. Winchester and Stevens Creek Roads were both considered in the traffic analysis. (See Exhibit 4-9 – map of traffic study area.) The analysis described existing and projected conditions along these roadways. Please refer to the DEIR for a discussion of the project’s traffic impacts.
- 73-33** The commenter questions the capacity of local services for handling increases in water demand and emergency services. The DEIR states in Impact 4.9-2 that the City of Santa Clara Water and Sewer Utility (CSC) has indicated that water supplies are available to serve the proposed development and no new water supplies or facilities would be required. This would be a less-than-significant impact. Impact 4.9-1 of the DEIR states that the project would not substantially affect the ability of local police and fire departments to respond to emergencies in the project area because of its close proximity to existing police and fire stations and limited increase in traffic volumes.
- 73-34** The comment raises several objections to the development of the BAREC site. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: Eleonora Ronconi <eleonora.ronconi@prodigy.net>
To: <kriley@ci.santa-clara.ca.us>
Date: 4/21/06 7:50PM
Subject: Draft EIR for Sta Clara Gardens Development Project

April 21, 2006

Kevin Riley, AICP
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
kriley@ci.santa-clara.ca.us

Re: Draft EIR for Santa Clara Gardens Development Project

Dear Mr. Riley,

I am concerned about the Draft EIR's omission of critical information regarding the presence of hazardous materials at the BAREC site, and the resulting defective analysis and mitigation of hazardous materials impacts.

74-1

The Phase II Site Characterization Report contained in Appendix E to the Draft EIR references but does not include Tables 3a, 3b, and 3c, referenced at pages 11 and 12. It would appear that these tables contain the information that forms the basis for the decision not to test for 78 chemicals known to have been used at the site historically. In particular, Table 3c is captioned in the Table of Contents as: "Estimated Concentration of Chemicals and Rationale for Not Analyzing Certain Chemicals." In addition, my understanding is that a Human Health Risk Assessment (HHRA) was prepared for the BAREC site some time ago, but was not included in the Draft EIR or the Phase II Site Characterization Report.

74-2

The omission of these materials makes it impossible for the public to comment meaningfully on the analysis and proposed mitigation of hazardous materials impacts in the Draft EIR.

74-3

The City must recirculate a revised Draft EIR that includes these missing materials so that the public may have the opportunity to review and critique the rationale underlying the decision not to test for historically used chemicals at the site, as well as the methodology and results of the HHRA.

74-4

Yours sincerely,

Eleonora Ronconi

12 McKillop Ct.
Santa Clara, CA 95050

LETTER 74

Eleonora Ronconi

April 21, 2006

- 74-1** The commenter expresses concern regarding missing information. The commenter does not indicate what information is missing; therefore, no response can be provided.
- 74-2** The commenter states that tables 3a, b, and c referenced in Phase II were not included in Appendix E. Please refer to response to comment 8-10.
- 745-3** The commenter states that the omission of these materials from the DEIR makes it impossible for the public to comment meaningfully on the analysis and proposed mitigation of hazardous materials. Please refer to response to comment 8-10. All information relied upon for the DEIR is included as part of the project's administrative record and was available for review at the City of Santa Clara.
- 74-4** The commenter requests the EIR be recirculated with the missing details incorporated. Please refer to response to comment 8-10. All information relied upon for the DEIR is included as part of the project's administrative record and was available for review at the City of Santa Clara. There is no need to recirculate the EIR.